Calendar No. 894

98TH CONGRESS
2d Session

SENATE

REPORT
98-461

THE WASHINGTON STATE WILDERNESS ACT OF 1984

MAY 18 (legislative day, MAY 14), 1984.—Ordered to be printed

Mr. MCCLURE, from the Committee on Energy and Natural Resources, submitted the following

REPORT

[To accompany S. 837]

The Committee on Energy and Natural Resources, to which was referred the bill (S. 837) to designate certain national forest system lands in the State of Washington for inclusion in the National Wilderness Preservation System, and for other purposes having considered the same, reports favorably thereon with an amendment to the text in the nature of a substitute and recommends that the bill, as amended, do pass.

The amendment is as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

This Act may be referred to as the "Washington State Wilderness Act of 1984".

SEC. 2. (a) The Congress finds that—

(1) many areas of undeveloped national forest system lands in the state of Washington possess outstanding natural characteristics which give them high values as wilderness and will, if properly preserved, contribute as an enduring resource of wilderness for the benefit of the American people;

(2) the Department of Agriculture's second roadless area review and evaluation (RARE II) of national forest system lands in the State of Washington and the related congressional review of such lands have identified areas which, on the basis of their landform, ecosystem, associated wildlife, and location, will help to fulfill the national forest system's share of a quality National Wilderness Preservation System; and

(3) the Department of Agriculture's second roadless area review and evaluation of national forest system lands in the state of Washington and the related congressional review of such lands have also identified areas which do not possess outstanding wilderness attributes or which possess outstanding energy, mineral, timber, grazing, dispersed recreation and other values and which should not now be designated as components of the National Wilderness Preservation System but should be available for nonwilderness multiple uses under the land management planning process and other applicable laws.

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(b) The purposes of this Act are to—

(1) designate certain national forests system lands in the State of Washington as components of the National Wilderness Preservation System, in order to promote, perpetuate, and preserve the wilderness character of the lands, protect watersheds and wildlife habitat, preserve scenic and historic resources, and promote scientific research, primitive recreation, solitude, physical and mental challenge, and inspiration for the benefit of all the American people, to a greater extent than is possible in the absence of wilderness designation; and

(2) insure that certain other national forest system lands in the State of Washington be available for nonwilderness multiple uses.

SEC. 3. In furtherance of the purposes of the Wilderness Act of 1964 (78 Stat. 890, 16 U.S.C. 1131 et seq.) the following lands in the State of Washington are hereby designated as wilderness and, therefore, as components of the National Wilderness Preservation System:

(1) certain lands in the Mount Baker-Snoqualmie National Forest, Washington, which comprise approximately forty-nine thousand acres, as generally depicted on a map entitled "Boulder River Wilderness—Proposed", dated March 1984, and which shall be known as the Boulder River Wilderness;

(2) certain lands in the Olympic National Forest, Washington, which comprise approximately forty-five thousand eight hundred and seventeen acres, as generally depicted on a map entitled "Buckhorn Wilderness—Proposed", dated March 1984, and which shall be known as the Buckhorn Wilderness;

(3) certain lands in the Mount Baker-Snoqualmie National Forest, Washington, which comprise approximately fourteen thousand three hundred acres, as generally depicted on a map entitled "Clearwater Wilderness-Proposed", dated March 1984, and which shall be known as the Clearwater Wilderness;

(4) certain lands in the Olympic National Forest, Washington, which comprise approximately twelve thousand one hundred and twenty acres, as generally depicted on a map entitled "Colonel Bob Wilderness—Proposed", dated March 1984, and which shall be known as the Colonel Bob Wilderness;

(5) certain lands in the Mount Baker-Snoqualmie and Wenatchee National Forests, Washington, which comprise approximately one hundred twelve thousand six hundred and seven acres, as generally depicted on a map entitled "Glacier Peak Wilderness Additions—Proposed", dated March 1984, and which are hereby incorporated in and shall be deemed to be a part of the Glacier Peak Wilderness as designated by Public Law 88-577 and Public Law 90-544;

(6) certain lands in the Gifford Pinchot National Forest, Washington, which comprise approximately three thousand and fifty acres as generally depicted on a map entitled "Glacier View Wilderness—Proposed", dated March 1984, and which shall be known as the Glacier View Wilderness;

(7) the boundary of the existing Goat Rocks Wilderness, as designated by Public Law 88-577, located in the Wenatchee and Gifford Pinchot National Forests, Washington, is hereby revised to include those lands generally depicted on a map entitled "Goat Rocks Wilderness—Revised", dated March 1984;

(8) certain lands in the Wenatchee and Mount Baker-Snoqualmie National Forest, Washington, which comprise approximately one hundred three thousand five hundred and ninety-one acres as generally depicted on a map entitled "Henry M. Jackson Wilderness—Proposed", dated March 1984, and which shall be known as the Henry M. Jackson Wilderness. The Henry M. Jackson Wilderness is designated in remembrance of Senator Jackson's deep, personal feelings for this area, especially that portion known as "Monte Cristo," which he visited often as a boy. Through such designation, the Congress recognizes his unparalleled contributions to the natural resource policies of the nation in general and Washington State in particular;

(9) certain lands in the Gifford Pinchot National Forest, Washington, which comprise approximately twenty thousand six hundred and fifty acres, as generally depicted on a map entitled "Indian Heaven Wilderness—Proposed", dated March 1984, and which shall be known as the Indian Heaven Wilderness;

(10) certain lands in the Okanogan and Wenatchee National Forests, Washington, which comprise approximately one hundred fifty thousand eight hundred and thirty-three acres as generally depicted on a map entitled "Lake Chelan-Sawtooth Wilderness—Proposed", dated March 1984, and which shall be known as the Lake Chelan-Sawtook Wilderness;

(11) certain lands in the Gifford-Pinchot National Forest, Washington, which comprise approximately fourteen thousand four hundred and twenty acres, as generally depicted on a map entitled "Mount Adams Wilderness Additions—Proposed", dated March 1984, and which are hereby incorporated in and shall

be deemed to be a part of the Mount Adams Wilderness as designated by Public Law 88-577;

(12) certain lands in the Mount Baker-Snoqualmie National Forest, Washington, which comprise approximately one hundred thirty-two thousand two hundred acres as generally depicted on a map entitled "Mount Baker Wilderness—Proposed", dated March 1984, and which shall be known as the Mount Baker Wilderness;

(13) certain lands in the Olympic National Forest, Washington, which comprise approximately fifteen thousand six hundred and eighty-six acres, as generally depicted on a map entitled "Mt. Skokomish Wilderness—Proposed", dated March 1984, and which shall be known as the Mount Skokomish Wilderness;

(14) certain lands in the Mount Baker-Snoqualmie and Wenatchee National Forests, Washington, which comprise approximately fifty thousand nine hundred and twenty-three acres as generally depicted on a map entitled "Norse Peak Wilderness—Proposed", dated March 1984, and which shall be known as the Norse Peak Wilderness;

(15) certain lands in the Okanogan National Forest, Washington, which comprise twenty-four thousand three hundred and twenty-six acres, as generally depicted on a map entitled "Pasayten Wilderness Additions—Proposed", dated March 1984, and which are hereby incorporated in and shall be deemed to be part of the Pasayten Wilderness as designated by Public Law 88-577;

(16) certain lands in the Kaniksu and Colville National Forests, Washington, which comprise approximately forty-one thousand three hundred and thirty-five acres, as generally depicted on a map entitled "Salmo-Priest Wilderness—Proposed", dated March 1984, and which shall be known as the Salmo Priest Wilderness;

(17) certain lands in the Gifford Pinchot National Forest, Washington, which comprise approximately fifteen thousand seven hundred and twenty acres, as generally depicted on a map entitled "Tatoosh Wilderness—Proposed", dated March 1984, and which shall be known as the Tatoosh Wilderness;

(18) certain lands in the Olympic National Forest, Washington, which comprise approximately seventeen thousand two hundred and thirty-nine acres, as generally depicted on a map entitled "The Brothers Wilderness—Proposed", dated March 1984, and which shall be known as The Brothers Wilderness;

(19) certain lands in the Gifford Pinchot National Forest, which comprise approximately six thousand and fifty acres, as generally depicted on a map entitled "Trapper Creek Wilderness—Proposed", dated March 1984, and which shall be known as the Trapper Creek Wilderness;

(20) certain lands in the Wenatchee and Gifford Pinchot National Forests, Washington, which comprise approximately one hundred sixty six thousand six hundred and three acres, as generally depicted on a map entitled "William O. Douglas Wilderness—Proposed", dated March 1984, and which shall be known as the William O. Douglas Wilderness. The William O. Douglas Wilderness is designated in remembrance of Justice Douglas' lifelong efforts to preserve the Cougar Lakes area for the recreational benefits of future generations. Through such designation, the Congress recognizes his persistent concern for the Cougar Lakes area, and his contribution to conservation efforts throughout the nation; and

(21) certain lands in the Olympic National Forest, Washington, which comprise approximately two thousand three hundred and twenty acres, as generally depicted on a map entitled "Wonder Mountain Wilderness—Proposed", dated March 1984, and which shall be known as the Wonder Mountain Wilderness.

SEC. 4. (a) As soon as practicable after this Act takes effect, the Secretary of Agriculture shall file the maps referred to in section 3 of the Act and legal descriptions of each wilderness area designated by section 3 of the Act with the Committee on Energy and Natural Resources, United States Senate, and the Committee on Interior and Insular Affairs, House of Representatives, and each such map and legal description shall have the same force and effect as if included in this Act: *Provided,* That correction of clerical and typographical errors in such legal descriptions and maps may be made. Each such map and legal description shall be on file and available for public inspection in the office of the Chief of the Forest Service, Department of Agriculture.

(b) Subject to valid existing rights, each wilderness area designated by section 3 of this Act shall be administered by the Secretary of Agriculture in accordance with the provisions of the Wilderness Act of 1964 governing areas designated by that Act as wilderness areas, except that with respect to any area designated in section 3 of

this Act, any reference in such provisions to the effective date of the Wilderness Act of 1964 shall be deemed to be a reference to the effective date of this Act.

SEC. 5. (a) The Congress finds that—

(1) the Department of Agriculture has completed the second roadless area review and evaluation program (RARE II);

(2) the Congress has made its own review and examination of national forest system roadless areas in the State of Washington and of the environmental impacts associated with alternative allocations of such areas.

(b) On the basis of such review, the Congress hereby determines and directs that—

(1) without passing on the question of the legal and factual sufficiency of the RARE II Final Environmental Statement (dated January 1979) with respect to national forest system lands in States other than Washington, such statement shall not be subject to judicial review with respect to national forest system lands in the State of Washington;

(2) with respect to the national forest system lands in the State of Washington which were reviewed by the Department of Agriculture in the second roadless area review and evaluation (RARE II) and those lands referred to in subsection (d), that review and evaluation or reference shall be deemed for the purposes of the initial land management plans required for such lands by Forest and Rangeland Renewable Resources Planning Act of 1974, as amended by the National Forest Management Act of 1976 to be an adequate consideration of the suitability of such lands for inclusion in the National Wilderness Preservation System and the Department of Agriculture shall not be required to review the wilderness option prior to the revisions of the plans, but shall review the wilderness option when the plans are revised, which revisions will ordinarily occur on a ten-year cycle, or at least every fifteen years, unless, prior to such time the Secretary of Agriculture finds that conditions in a unit have significantly changed;

(3) areas in the State of Washington reviewed in such final environmental statement or referenced in subsection (d) and not designated as wilderness upon enactment of this Act or identified for special management in section 7 or 8 of this Act shall be managed for multiple use in accordance with land management plans pursuant to section 6 of the Forest and Rangeland Renewable Resources Planning Act of 1974, as amended by the National Forest Planning Act of 1976: *Provided*, That such areas need not be managed for the purpose of protecting their suitability for wilderness designation prior to or during revision of the initial land management plans;

(4) in the event that revised land management plans in the State of Washington are implemented pursuant to section 6 of the Forest and Rangeland Renewable Resources Planning Act of 1974, as amended by the National Forest Management Act of 1976, and other applicable law, areas not recommended for wilderness designation need not be managed for the purpose of protecting their suitability for wilderness designation prior to or during revision of such plans, and areas recommended for wilderness designation shall be managed for the purpose of protecting their suitability for wilderness designation as may be required by the Forest and Rangeland Renewable Resources Planning Act of 1974, as amended by the National Forest Management Act of 1976, and other applicable law; and

(5) unless expressly authorized by Congress, the Department of Agriculture shall not conduct any further statewide roadless area review and evaluation of national forest system lands in the State of Washington for the purpose of determining their suitability for inclusion in the National Wilderness Preservation System.

(c) As used in this section, and as provided in section 6 of the Forest and Rangeland Renewable Resources Planning Act of 1974, as amended by the National Forest Management Act of 1976, the term "revision" shall not include an "amendment" to a plan.

(d) The provisions of this section shall also apply to:

(1) those national forest system roadless lands in the State of Washington in the Gifford Pinchot and Olympic National Forests which were evaluated in the Upper Cispus; Lone Tree; Clear Creek; Upper Lewis; Trapper-Siouxon; Soleduck; Quinault; and Shelton Cooperative Sustained Yield Unit unit plans; and

(2) national forest system roadless lands in the State of Washington which are less than five thousand acres in size.

SEC. 6. (a) In furtherance of the purposes of the Wilderness Act of 1964, certain public lands in Franklin County, Washington, which comprise approximately seven thousand one hundred and forty acres, as generally depicted on a map entitled "Ju-

niper Dunes Wilderness—Proposed" and dated March 1984, are hereby designated as the Juniper Dunes Wilderness and, therefore, as a component of the National Wilderness Preservation System.

(b) Subject to valid existing rights, the Juniper Dunes Wilderness shall be administered by the Secretary of the Interior in accordance with the provisions of the Wilderness Act governing areas designated by that Act as wilderness. For purposes of this section, any references in such provisions to the effective date of the Wilderness Act shall be deemed to be a reference to the effective date of this section, any reference to the Secretary of Agriculture with regard to the administration of such areas shall be deemed to be a reference to the Secretary of the Interior, and any reference to wilderness areas designated by the Wilderness Act or designated national forest wilderness areas shall be deemed to be a reference to the Juniper Dunes Wilderness designated by this section. For purposes of this section, the reference to national forest rules and regulations in the second sentence of section 4(d)(3) of the Wilderness Act shall be deemed to be a reference to rules and regulations applicable to public lands, as defined in section 103(e) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701, 1702).

(c) As soon as practicable after this Act takes effect, the Secretary of the Interior shall file a map and legal description of the Juniper Dunes Wilderness with the Committee on Energy and Natural Resources of the United States Senate and with the Committee on Interior and Insular Affairs of the United States House of Representatives, and such map and description shall have the same force and effect as if included in this Act: *Provided,* That correction of clerical and typographical errors in the legal description and map may be made. The map and legal description shall be on file and available for public inspection in the offices of the Bureau of Land Management, Department of the Interior.

SEC. 7. (a) In order to assure the conservation and protection of certain natural, scenic, historic, pastoral, and fish and wildlife values and to provide for the enhancement of the recreational values associated therewith, the Mount Baker National Recreation Area located in the Mount Baker-Snoqualmie National Forest, Washington, is hereby established.

(b) The Mount Baker National Recreation Area (hereafter referred to as the "recreation area") shall comprise approximately eight thousand six hundred acres as generally depicted on the map entitled "Mt. Baker National Recreation Area—Proposed", dated March 1984, which shall be on file and available for public inspection in the office of the Chief, Forest Service, Department of Agriculture.

(c) The Secretary of Agriculture shall, as soon as practicable after the date of enactment of this Act, file a map and a legal description of the recreation area with the Committee on Energy and Natural Resources, United States Senate, and the Committee on Interior and Insular Affairs, House of Representatives, and each such map and legal description shall have the same force and effect as if included in this Act: *Provided,* That correction of clerical or typographical errors in such legal description and map may be made. The map and legal description shall be on file and available for public inspection in the office of the Chief of the Forest Service, Department of Agriculture.

(d) The Secretary shall administer the recreation area in accordance with the laws, rules and regulations applicable to the national forests in such manner as will best provide for (1) public outdoor recreation (including but not limited to snowmobile use); (2) conservation of scenic, natural, historic, and other values contributing to public enjoyment; and (3) such management, utilization, and disposal of natural resources on federally owned lands within the recreation area which are compatible with and which do not significantly impair the purposes for which the recreation area is established.

SEC. 8. (a) The Congress finds that certain lands within the Mount Baker-Snoqualmie and Okanogan National Forests along the North Cascades Highway have remarkable scenic values, representing a unique aesthetic travelway through the Cascade Mountains in the northern portion of the State of Washington. The value of preserving this scenic area and assuring that it is managed in such a manner that its scenic beauty and recreation qualities are maintained for future generations is recognized by the Congress.

(b) In order to preserve and protect these values, certain National Forest System lands comprising approximately eighty-seven thousand, seven hundred and fifty-seven acres, as generally depicted on a map entitled North Cascades Scenic Highway—Proposed and dated March 1984, shall be administered by the Secretary of Agriculture to preserve the scenic value of this highway corridor. Management activities, including resource use and development, within the area may be permitted by the Secretary of Agriculture if the existing scenic values of the area are maintained.

(c) Management direction for the area that recognizes these scenic values shall be included in the Forest plans developed for the Okanogan and Mount Baker-Snoqualmie National Forests in accordance with section 6 of the Forest and Rangeland Renewable Resources Planning Act of 1974, as amended.

SEC. 9. Congress does not intend that designation of wilderness areas in the State of Washington lead to the creation of protective perimeters or buffer zones around each wilderness area. The fact that nonwilderness activities or uses can be seen or heard from areas within the wilderness shall not, of itself, preclude such activities or uses up to the boundary of the wilderness area.

SEC. 10. (a) Within the boundaries of Sec. 25, Twp. 19N., R.10E. (W.M.), and Sec. 31, Twp. 19N., R.11E. (W.M.), the Secretary is authorized and directed to acquire by exchange any non-Federal lands, interests, or any other property, in conformance with the provisions of this section. In exercising his authority to acquire property by exchange, the Secretary may accept title to any non-Federal property located in Sec. 25, Twp. 19N., R. 10E. (W.M.), and Sec. 31, Twp. 19N., R.11E. (W.M.) and convey to the owner of such property appropriate national forest system lands within the State of Washington. The values of the lands exchanged pursuant to this section shall be equal: *Provided,* That the Secretary may accept cash from or pay cash to the grantor in such an exchange in order to equalize minor differences in the values of the properties exchanged.

(b) Lands acquired by the Secretary pursuant to this section shall become part of the Mount Baker-Snoqualmie National Forest, and the Secretary shall publish a notice of such classification in the Federal Register. It is the intention of Congress that acquisition of these lands shall be completed no later than 90 days after the date of enactment of this Act. No later than 60 days after enactment of this Act, the Secretary shall report in writing to the Committee on Energy and Natural Resources of the United States Senate and the Committee on Interior and Insular Affairs of the United States House of Representatives, on the status of negotiations with private owners to affect the exchange authorized by this section.

PURPOSE OF THE MEASURE

The purpose of S. 837, as ordered reported is: (1) to designate approximately 1,031,738 acres of national forest system land in the State of Washington as wilderness; (2) to designate approximately 7,140 acres of BLM land as wilderness; (3) to create a national recreation area totaling some 8,600 acres; (4) to establish a North Cascades Scenic Highway Corridor comprising approximately 87,757 acreas; and (5) to make certain other national forest system lands in the State of Washington available for other multiple uses.

BACKGROUND AND NEED

In 1977–79, the Forest Service inventoried approximately 2.5 million acres of roadless lands in Washington State during the second roadless area review and evaluation (RARE II). As a result of that evaluation, the Carter Administration, on April 15, 1979, recommended that 363,000 acres in Washington State be designated as wilderness; approximately 100,000 acres be placed in a further planning category; and 2 million acres be made available for uses other than wilderness.

In 1980, a Federal District Court found that the RARE II Final Environmental Impact Statement did not meet the requirements of the National Environmental Policy Act. This decision was subsequently upheld by the 9th Circuit Court of Appeals. As a result of these and other lawsuits in the West regarding RARE II, there is considerable uncertainty concerning the Forest Service's ability to plan for and manage the national forest—especially those lands inventoried and studied in the RARE II process. S. 837 seeks to resolve the RARE II controversy in Washington State by designating

certain national forest system lands in the State as wilderness and by making other lands available for uses other than wilderness.

LEGISLATIVE HISTORY

S. 837 was introduced by Senators Gorton and Jackson on March 17, 1983. On September 14, 1983, Senator Evans was added as a co-sponsor. Field hearings were held in Spokane and Seattle on June 2 and 3 of that year. A hearing in Washington, D.C., before the Subcommittee on Public Lands and Reserved Water, was conducted on September 30, 1983. The Administration recommends enactment of S. 837, if amended, in accordance with its legislative report dated September 29, 1983. At a business session on May 2, 1984, the Committee on Energy and Natural Resources ordered S. 837 as amended, favorably reported.

COMMITTEE RECOMMENDATION AND TABULATION OF VOTES

The Senate Committee on Energy and Natural Resources, in open business session on May 2, 1984, by a unanimous vote of a quorum present recommended that the Senate pass S. 837, if amended, as described herein.

The rollcall vote on reporting the measure was 21 yeas, 0 nays as follows:

YEAS	NAYS
Mr. McClure	
Mr. Hatfield	
Mr. Weicker*	
Mr. Domenici*	
Mr. Wallop	
Mr. Warner	
Mr. Murkowski*	
Mr. Nickles*	
Mr. Hecht	
Mr. Chafee	
Mr. Heinz*	
Mr. Evans	
Mr. Johnston*	
Mr. Bumpers	
Mr. Ford	
Mr. Metzenbaum*	
Mr. Matsunaga	
Mr. Melcher	
Mr. Tsongas*	
Mr. Bradley	
Mr. Levin*	

*Indicates voted by proxy.

COMMITTEE AMENDMENT

During the consideration of S. 837, the Committee adopted an amendment in the nature of a substitute offered by Senator Evans. A discussion of that amendment follows.

SHORT TITLE, FINDINGS, AND PURPOSES

The substitute amendment changed the short title to reflect reporting the bill in 1984 instead of 1983. There are no changes in the findings or purposes sections.

DESIGNATION OF CERTAIN NATIONAL FOREST SYSTEM LANDS AS WILDERNESS

The substitute designates the following areas as wilderness and as components of the National Wilderness Preservation System.

Boulder River Wilderness

S. 837, as ordered reported, would designate approximately 49,000 acres in the Mt. Baker-Snoqualmie National Forest, south and west of the community of Darrington, as the Boulder River Wilderness. The area centers on the high ridge dividing the Sauk and South Fork of the Stilliguamish drainages. Its low elevation provides an excellent opportunity for year-round hiking. An abandoned Forest Service lookout at Three Fingers in the proposed Boulder River Wilderness is currently maintained by a private organization. The Committee believes that this organization should be allowed to continue maintaining the lookout, subject to all applicable rules and regulations.

Buckhorn Wilderness

S. 837, as ordered reported, would designate a Buckhorn Wilderness comprising approximately 45,817 acres in the Olympic National Forest. This area, like the others in the East Olympics region provides important anadromous fisheries habitat, such as the Grey Wolf River, as well as low land habitat important for many species of wildlife which migrate through Olympic National Park.

Clearwater Wilderness

As ordered reported, S. 837 would designate approximately 14,300-acre Clearwater Wilderness in the Mt. Baker-Snoqualmie National Forest. Adjacent to Mt. Rainier National Park and only an hour from Tocoma, its high lakes and meadows are popular destinations for hikers and fishermen. The virgin forests of the Clearwater Valley are home to the rare spotted owl.

The Committee intends that Forest Service Road #1846 located adjacent to the Clearwater Wilderness Area along Chenius Creek should be closed to public use after all scheduled timber harvests in the area are completed so as to protect an important elk migration route. The road should remain closed to public use, except for emergency access and other administrative purposes such as reforestation and precommercial thinning, until the next generation of trees is ready to be harvested.

Colonel Bob Wilderness

S. 837, as ordered reported, includes a Colonel Bob Wilderness of approximately 12,120 acres in the Olympic National Forest. This area is comprised of cluster of peaks of moderate elevation on a ridge between the Quinault and Humptulips Rivers. Some resident

cutthroat trout are found in the larger streams; and deer, elk, and black bear inhabit the lower elevation.

Glacier Peak Wilderness Additions

As ordered reported, S. 837 would add approximately 112,607 acres in the Mt. Baker-Snoqualmie and Wenatchee National Forests to the existing Glacier Peak Wilderness area designated by the Congress in 1964. The Glacier Peak Additions proposed in S. 837 include several distinct parcels adjacent to the existing wilderness. This wild country surrounding Glacier Peak is the largest untouched expanse of mountain terrain in the Pacific Northewest. It varies from the dark, mushroom-dotted forest of the Rapid River to the arid ridges above Lake Chelan. Great rivers, such as the Skagit, Wenatchee, Entiat, and Skykomish rise in these wildlands providing clean water that is essential for salmon and irrigation. The area's amazing diversity and hundreds of miles of trails make it one of the most popular destinations for backcountry trips in all of the Northwest.

The Committee expects that administrative use by the Washington Department of Game of an existing fish trap, cabin, motorboats and helicopters on Twin Lakes in the Glacier Peak Wilderness Area should be allowed to continue. Furthermore, the Department should be permitted to continue maintaining the existing cabin and fishtrap, subject to all applicable rules and regulations.

Activities necessary to monitor and maintain snow guage equipment presently existing at Mirror Lake in the Glacier Peak Wilderness Area should not be precluded as a result of wilderness designation of additions to the Glacier Peak Wilderness Area.

The Committee notes that Two Rivers, Inc., currently operates and maintains the Trinity Hydroelectric Project, (FERC License No. 719), on James Creek in the proposed Glacier Peak Wilderness Area additions in the Wenatchee National Forest. Activities necessary to maintain an intake box on James Creek, in accordance with applicable rules and regulations, should not be precluded as a result of wilderness designation of additions to the Glacier Peak Wilderness Area.

The Committee notes that the Village of Holden, situated on Railroad Creek in the Glacier Peak Additions, currently has plans to develop the Railroad Creek Hydroelectric Project (FERC Preliminary Permit No. 6758) to serve the village's electric power needs. Further proceedings of the Federal Energy Regulatory Commission on the Railroad Creek Hydroelectric Project should not be precluded by wilderness designation. The final boundary of this portion of the Glacier Peak Additions which is bounded by Railroad Creek should be drawn in such a manner so as to permit the project to be constructed should FERC ultimately license or grant an exemption for the project. The amount of land involved in this adjustment should be the minimum necessary to permit the project to proceed. If the project is not ultimately approved by FERC, this land not included in the wilderness should be administered by the Secretary to preserve its wilderness character. By clarifying the boundary in this area, the Committee wishes to make clear that it is not taking any position on the merits of the project itself.

Glacier View Wilderness

S. 837, as ordered reported, includes an approximately 3,050-acre Glacier View Wilderness in the Gifford Pinchot National Forest. The area, located adjacent to the southwest corner of Mt. Rainier National Park, features spectacular views of the mountain from ridge-top trails as well as the popular climbing destination of Mt. Beljica.

Goat Rocks Wilderness Additions

As reported, S. 837 would add approximately 23,143 acres to the existing Goat Rock Wilderness established by the Congress in 1964. In addition, some 800 acres would be deleted from the existing wilderness. The 800 acres deleted from the existing Goat Rocks Wilderness Area have significant potential for ski development and should be managed by the Secretary of Agriculture to utilize this potential, in accordance with applicable laws, rules and regulations. The lands added to the Goat Rocks Wilderness by S. 837 help provide protection for several of the lowland forested approach valleys which were not included when the area was designated 20 years ago.

The Committee intends that the use of motorboats on that portion of Walupt Lake within the existing Goat Rocks Wilderness Area should be permitted to continue in accordance with section 4(d)(1) of the Wilderness Act of 1964.

Henry M. Jackson Wilderness

S. 837, as ordered reported, designates an approximately 103,591-acre Henry M. Jackson Wilderness in the Wenatchee and Mt. Baker-Snoqualmie National Forests. This area, which includes the Monte Cristo and Valhalla areas, is included in the bill in remembrance of Senator Jackson's unparalleled contribituons to conserving the Nation's wildlands, especially those in his beloved State of Washington.

Senator Jackson served in the Senate for more than 30 years; and from 1963 to 1981, he served as the Chairman of the Senate Committee on Energy and Natural Resources and its predecessor, the Committee on Interior and Insular Affairs. It was primarily in that capacity that he made his most significant contributions to the environment and to preserving special wild places for all Americans to enjoy. Senator Jackson, along with Senator Gorton, introduced S. 837 in March of 1983, and he chaired the two field hearings on S. 837 in Washington State in June of that year.

Only a few weeks before his death, he spent a day traveling by helicopter through the Cascade Mountains in preparation for making his recommendations on what he thought a statewide wilderness bill for Washington should contain. His trip that day included a visit to a spectacularly beautiful lake basin east of his hometown of Everett in an area known as Monte Cristo. Senator Jackson visited this area often as a boy, but he had not returned since coming to Washington, D.C., in 1940. He had a special love for that place and its memory served to forge and strengthen his commitment to preserving the Nation's park and forest lands.

It is both ironic and fitting that Senator Jackson was able to return to Monte Cristo only a few days before he passed away and once again to experience the breathtaking beauty of this part of the State that was so special to him. The Committee feels that designation of this area as the Henry M. Jackson Wilderness will serve as a living tribute to Senator Jackson's long-time commitment to the environment and his love for his beautiful State of Washington.

Indian Heaven Wilderness

As ordered reported, S. 837 includes an Indian Heaven Wilderness of approximately 20,650 acres in the Gifford Pinchot National Forest. Once an important tribal gathering place, this gentle hiking country still offers the fine berry picking that first attracted the native Americans. The ancient race track and encampment on this lake-dotted plateau form an archaelogical and ecological resource threaded by the Pacific Crest Trail.

Lake Chelan-Sawtooth Wilderness

The substitute amendment adopted for S. 837 would designate an approximately 150,833-acre Lake Chelan-Sawtooth Wilderness in the Okanogan and Wenatchee National Forests. Because of its history of recent glaciation, this area is dotted with knife-edge mountains, high lakes and "U" or "V" shaped valleys. The area has extremely high watershed values and is used extensively by hikers—especially those traversing the Pacific Crest Trail which crosses the area just northwest of Washington Pass.

That area of the Okanogan National Forest known as Sandy Butte has been excluded from wilderness designation in S. 837. It is the intent of Congress that land use management of Sandy Butte proceed, without delay, in accordance with existing multiple-use management plans, consistent with the National Environmental Policy Act (NEPA). The designation by Congress in S. 837 of appropriate wilderness areas in Washington State makes it unnecessary to further withhold the Sandy Butte/Early Winders Alpine Winter Sports Study FEIS pending completion of the Okanogan Forest Plan. The Forest Service and the Department of Agriculture are directed to allow the evaluation process for the Sandy Butte development to proceed without additional delay, given that Congress has determined that the roadless upper third of Sandy Butte is without wilderness characteristics.

Mt. Adams Wilderness Additions

S. 837, as ordered reported, proposes additions to the existing Mt. Adams Wilderness totaling some 14,420 acres. These additions located in the Gifford-Pinchot National Forest, would protect cinder cones, moraines, lava flows, and several forested lower slopes. The boundaries of the existing area include only the upper slopes of the Mt. Adams volcano—Washington State's second highest peak.

Mt. Baker Wilderness

As ordered reported, S. 837 designates approximately 132,200 acres in the Mt. Baker-Snoqualmie National Forest as the Mt. Baker Wilderness. This area, which included the Noisy-Diobsud

and Tomyhoi-Silesia areas, is the most popular destination in the State for mountaineers and rock climbers. In additional to outstanding climbing opportunities in the north, the southern portion of the proposed wilderness contains important salmon spawning streams and some of the largest Douglas-fir trees in the North Cascades.

In 1975, increased releases of steam from Mr. Baker precipitated concerns over the mountain's volcanic potential. A number of studies were conducted on the mountain, requiring frequent helicopter trips to transport scientists and equipment. Although the steam activity subsided and stabilized in 1976, the Committee is concerned that volcanic activity could reoccur in the future. If the mountain shows signs of volcanic activity in the future, authorized access into the Mt. Baker Wilderness should be permitted to install monitoring and scientific equipment.

Two abandoned Forest Service lookouts in the Mt. Baker Wilderness are currently maintained by private organizations. One of the lookouts is located at Park Butte, the other is located at Winchester Mountain. The Committee believes that these organizations should be allowed to continue maintaining the lookouts, subject to all applicable rules and regulations.

The committee also notes that activities necessary to monitor and maintain snow gauge equipment within the Mt. Baker Wilderness Area should not be precluded as a result of wilderness designation. Finally, the Committee understands that the Associated Students of Western Washington University in Bellingham operate and maintain Kulshan Cabin within the proposed wilderness to help to promote mountaineering skills. It is the intent of the Committee that the University should be permitted to continue maintaining Kulshan Cabin, subject to all applicable rules and regulations.

Mt. Skokomish Wilderness

As ordered reported, the Washington Wilderness Act of 1984 includes a 15,686-acre Mt. Skokomish Wilderness in the Olympic National Forest. This area, which is largely drained by the headwaters of the Hamma River is ringed by a number of prominent peaks. The proposed Wilderness includes numerous high elevation lakes and ponds. The streams and lakes almost all support significant populations of rainbow and cutthroat trout.

Norse Peak Wilderness

A Norse Peak Wilderness comprising approximately 50,923 acrea in the Mt. Baker-Snoqualmie and Wenatchee National Forests is included in S. 837 as ordered reported. The proposed wilderness straddles the Cascade Crest between Chinook and Naches Pass. The area includes generally steep, rocky terrain at the high elevations, narrow valleys, mountain lakes and open park-like basins. The Pacific Crest National Scenic Trail traverses the area. The Norse Peak area is separated from the proposed William O. Douglas Wilderness by the Chinook Pass Highway.

In the Norse Peak Wilderness, the eastern boundary in T. 18 N., R. 12 E. is not intended to close off any portion of the Sand Creek Trail (#963) adjacent to that boundary. It is the intention of the

Committee that the wilderness boundary be established as close to the top of the ridge as possible, but not further than 300 feet south of the center of the surveyed location of the trail parallel to the ridge.

Pasayten Wilderness Additions

The existing Pasayten Wilderness would be enlarged by some 24,326 acres under the provisions of S. 837 as ordered reported. These additions located in the Okanogan National Forest, include a diversity of landforms including sharp rocky canyons, deeply incised streams, and gentle valleys. A great variety of habitat is represented as well, including subalpine, lodgepole pine thickets, grassy openings, large Englemann Spruce, hardwoods, and sagebrush.

Salmo Priest Wilderness

S. 837, as ordered reported, includes an approximately 41,335-acre Salmo Priest Wilderness in the Kaniksu and Coville National Forests. The valleys of this proposed wilderness contain wildlife found in no other wilderness in the State: grizzly bear, moose and mountain caribou. In fact, the Salmo-Priest area provides some of the only habitat used by caribou south of the Canadian border. The Upper Priest River provides excellent spawning gravels for Dolly Varden and cutthroat trout.

Tatoosh Wilderness

The Committee amendment to S. 837 would designate a 15,720 acre Tatoosh Wilderness in the Gifford Pinchot National Forest.

The Tatoosh area is located adjacent to the south boundary of Mt. Ranier National Park. It includes a wide variety of physical features from river bottoms to alpine and subalpine ridgetops. A small mountain goat herd utilizes the alpine area along with elk that migrate through the area.

The Brothers Wilderness

S. 837, as ordered reported, proposes a Brothers Wilderness in the Olympic National Forest comprising approximately 17,239 acres. The proposed Brothers Wilderness consists mostly of mountainous and rugged country. The two highest peaks, Mt. Jupiter and The Brothers, are separated by the middle reaches of the Duckabush River which traverses the area from west to east. The Duckbush is an important anadromous fishery and very popular with sportsmen and hikers.

The committee notes that the Jefferson County Public Utility district currently has plans to develop the Elkhorn Hydroelectric Project (FERC Preliminary Permit No. 6002) on a small portion of the Dosewallips River which forms the northern boundary of the proposed Brothers Wilderness. On April 5, 1983, FERC issued an order extending the preliminary permit so that further instream flow studies could be conducted. Further proceedings of the Federal Energy Regulatory Commission on the Elkhorn Hydroelectric Project should not be precluded by wilderness designation of The Brothers Wilderness Area. The final boundary of The Brothers Wilderness should be drawn in such a manner so as to permit the

project to be constructed should FERC ultimately license it. The amount of land involved in this adjustment should be the minimum necessary to permit the project to proceed. If the project is not ultimately approved by FERC, this land should be administered by the Secretary to preserve its wilderness character. By clarifying the boundary in this area, the Committee wishes to make clear that it is not taking any position on the merits of the project itself.

Trapper Creek Wilderness

The 6,050 acre Trapper Creek area contains Trapper Creek, a major tributary of the Wind River. The area includes the last major unlogged valley in the southern portion of the Gifford Pinchot National Forest. The Trapper Creek area is bounded by Sister Rocks and Observation Peak to the north, Bare Mountain to the west and Howe Ridge to the east, and contains several important trails.

William O. Douglas Wilderness

The largest proposed wilderness area in S. 837, as ordered reported, is the approximately 166,603-acre William O. Douglas Wilderness located in the Wenatchee and Gifford Pinchot National Forest. This magnificent area lies adjacent to or in some places straddles the crest of the Cascades range. The terrain is characterized by broad, high elevation ridges broken by steepwalled drainages. Numerous lakes and glacial pothole lakes dot the area around the Cascade Crest in the southwestern portion of the area. Among the most notable of the many lakes included in the proposal are Twin Sisters, Pear, Swamp, Dewey, and, perhaps the most well-known of all, the Cougar Lakes.

A great variety of recreation uses abound including fishing, camping, hiking, hunting, and horseback use. Fish are abundant in the form of cutthroat, rainbow, eastern brook and golden trout. Deer, elk, and bear are found in the area, which is particularly well-known for its large herd of elk which summers in the area.

In recognition of his lifelong efforts to preserve this area, known locally as Cougar Lakes, the Committee agreed to name the area the William O. Douglas Wilderness. Justice Douglas began hiking in this area more than 65 years ago and was active in efforts to preserve the Cougar Lakes Wilderness right up until the time of his death in 1980. Through this designation, the Committee and the Congress recognize Justice Douglas' persistent concern for the Cougar Lakes area and his many contributions to conservation efforts throughout the State of Washington and the entire Nation.

In the William O. Douglas Wilderness, the boundary along two trails would have the effect of closing portions of these trails now open to motorized recreational usage. It is the intention of the Committee that the Forest Service, using Forest Service recreation funds, reroute those portions of the following trails that now enter the current wilderness boundary so that these trails will remain available for usage and enjoyment of motorized visitors. The two trails are:

(1) North Fork of the Rattlesnake Jeep Trail—Trail #976 (Mud Springs) that runs along the north ridge of the North

Fork of the Rattlesnake River (in T. 16 N., 13 E., and T. 16 N., R. 14 E.).

(2) Little Bald Mountain Trail—Trail #961 (in T. 17N., R. 13 E.).

Wonder Mountain Wilderness

The 2,320-acre Wonder Mountain area in the Olympic National Forest is a popular recreational area immediately adjacent to the Olympic National Park. The area contains McKay Creek, a major tributary of the North Fork Skokomish River, which flows north into the national park and which has significant fish and wildlife values.

Kettle Range Area

Although the Kettle Range area of Colville National Forest has not been included in this bill, the Committee wishes to stress its interest in the management of these lands.

The Committee wishes to emphasize its strong interest in the continued protection of the Kettle Crest area, which is now within a "Limited Access" area of over 30,000 acres. The Committee understands that the forest Service has designed this area to emphasize dispersed, primitive recreation experiences (such as hiking, cross-country skiing, horseback riding, and hunting), and expects this management emphasis to be continued.

The Committee also wishes to note the legitimate concerns of the Colville Confederated Tribes expressed during field hearings in Spokane, Washington, leading to the development of this bill.

At the time, the Tribes indicated concern over the implications of nonwilderness management of the Kettle Range area of the Colville National Forest because of the potential implications of timber harvesting in the Kettle Range area on water quality in the Colville Reservation and the potential loss of the Tribes' religious heritage associated with White Mountain and Thirteen-Mile Mountain, both lying within the Kettle Range.

The Committee believes that both of these concerns can and should be addressed by the Forest Service pursuant to provisions of existing law. The Committee expects the Forest Service in both its planning and management activities in the Kettle Range to be cognizant of the Tribes' concerns and to take such steps as may be necessary to assure that these concerns are addressed pursuant to existing law.

MAPS, LEGAL DESCRIPTIONS, AND WILDERNESS MANAGEMENT

The substitute amendment includes the same provisions relative to the filing of maps, legal descriptions and management of the areas as S. 837 as introduced.

RELEASE/SUFFICIENCY LANGUAGE

The substitute amendment includes different release/sufficiency language than that contained in S. 837 as introduced.

"Release/sufficiency" language has been incorporated by the Congress in several State wilderness bills enacted over the past several years. That language statutorily confirmed the April 1979 ad-

ministrative "release" of certain RARE II nonwilderness recommended lands and released other lands not designaged as wilderness or wilderness study. This was commonly referred to as "Colorado release".

The language continued to trouble a number of affected industry groups, and in an effort to address their concerns, the Committee has made clarifications in the statutory language found in section 5 of S. 837, as introduced. The Committee wishes to further clarify the purpose and intent of the provisions of this section and elaborate on certain issues not specifically discussed in previous bills.

The question of "release", i.e., making lands available for nonwilderness management and possible development, arises from the interest in the future management of areas reviewed during the RARE II process. The controversy focuses on the point at which those lands not designated as wilderness by this Act but reviewed in the RARE II process can again be considered for possible recommendation to the Congress for designation as wilderness, and on the questions of how these lands will be managed.

The "sufficiency" aspect of this question arose because of a decision in Federal District Court in California. Soon after the completion of RARE II, the State of California brought suit against the Secretary of Agriculture challenging the legal and factual sufficiency of the RARE II Final Environmental Impact Statement insofar as its consideration of wilderness in some 46 areas in the State of California was concerned.

In January 1980, Judge Lawrence Karlton of the United States District Court for the Eastern District of California, in *State of California* v. *Bergland,* 483 F. Supp. 465 (1980), held that the RARE II Final Environmental Impact Statement had insufficiently considered the wilderness alternative for the specific areas challenged. Judge Karlton enjoined any development which would "change the wilderness character" of these areas until subsequent consideration of the wilderness values in accordance with the National Environmental Policy Act was completed by the Department of Agriculture. The Ninth Circuit Court of Appeals affirmed this District Court opinion in *California* v. *Block* 690 F.2d 653 in 1982.

While the decision applied specifically only to the 46 roadless areas in California for which the plaintiffs sought relief, the overall conclusions in the case are binding in States such as Washington that are located in the Ninth Circuit. The net effect is that development activities on roadless areas in such States may be held up if appealed in administrative or judicial forums. This has, in fact, already happened in several instances, and has thrown a cloud of uncertaintly over the development of some roadless areas, whereas development has occurred in others.

The Wilderness Act of 1964 provides that only Congress can designate land for inclusion in the National Wilderness Preservation System. Since the Committee has, in the course of developing this bill, very carefully reviewed the roadless areas in Washington for possible inclusion in the National Wilderness Preservation System, the Committee believes that judicial review of the RARE II Final Environmental Impact Statement insofar as national forest system lands in Washington are concerned is unnecessary. Therefore, the bill provides that the final environmental statement is not subject

to judicial review with respect to national forest system lands in Washington.

The Committee does wish to reemphasize that the sufficiency language in this Act only holds the RARE II EIS to be legally sufficient for the roadless areas in the State of Washington and only on the basis of the full review undertaken by the Congress. Similar language will be necessary to resolve the issue in the other States.

The RARE II process during 1977–79 took place concurrently with the development by the Forest Service of a new land management planning process mandated by the National Forest Management Act of 1976 (NFMA). That process requires that the forest land management plans be reviewed and revised periodically to provide for a variety of uses. During the review and revision process the Forest Service is required to study a broad range of potential uses and options including wilderness. In conjuction with the National Environmental Policy Act, NFMA provides that the option of recommending land to Congress for inclusion in the National Wilderness Preservation System is one of the many options which must be considered during the planning process for those lands which may be suited for wilderness. The language of S. 837 reconfirms this requirement. The Forest Service is presently developing the initial, or "first generation", plans for each national forest. These are the so-called "section 6" plans and are targeted for completion by September 30, 1985. For the eight national forests in Washington, some plans may not actully be completed and implemented until 1986 or later due to administrative problems including delay resulting from the cloud of the California lawsuit and the debate taking place as a result of pending legislation.

One of the goals of RARE II was to consider the wilderness potential of national forest roadless areas. The Committee believes the further consideration of wilderness during development of the initial plans for the national forest system roadless areas as defined by section 5, not designated as wilderness upon enactment of S. 837 would be duplicative of the study and review which has recently taken place by to the Forest Service and the Congress. Therefore, the release language of S. 837 provides that wilderness values of these areas need not be reviewed again during development of the "first generation plans." Moreover, the language provides that during development of, and prior to or during revision of initial plans, released areas need not be managed for the purpose of protecting their suitability for wilderness designation.

Beyond the initial plans lies the issue of when the wilderness option for roadless areas should again be considerd. As noted, the initial plans are targeted for completion by September 30, 1985. The NFMA provides that a plan shall be in effect for no longer than 15 years before it is revised. The Forest Service regulations, however, provide that a forest plan "shall ordinarily be revised on a 10-year cycle or at least every 15 years." (36 CFR 219.10(g)). The language of S. 837 tracks these regulations.

The bill, as reported, provides that the Department of Agriculture shall not be required to review the wilderness option until it revises the initial plans. By using the word "revision" the Committee intends to make it clear, consistent with NFMA and current Forest Service regulations, that amendments or even amendments

which might "result in a significant change" in a plan, would not tripper the need for reconsideration of the wilderness option and section 5 so provides. The wilderness option does not need to be reconsidered until the Forest Service determines, based on a review of the lands covered by a plan, that conditions in the area covered by a plan have changed so significantly that the entire plan needs to be completely revised.

A revision of a forest plan will be a costly undertaking in terms of dollars and manpower and the Committee does not expect such an effort to be undertaken lightly. Every effort will be made to address local changes through the amendment process leaving the revision option only for major, forest-wide changes in conditions or demands.

For example, if a new powerline were proposed to be built across a forest, this would be accomplished by an amendment, not a revision, and therefore the wilderness option would not have to be reexamined. Likewise, the construction of new range improvements or adjustments in livestock allotments for permittees would not constitute a "revision". It is only when a proposed change in management would significantly affect overall goals or uses for the entire forest concerned, that a "revision" would occur.

For example, the recent eruption of Mt. St. Helens, because it affected so much of the Gifford Pinchot National Forest, including the forest's oveall timber harvest scenario, would likely have forced a "revision" of the plan. Likewise, decisions to increase dramatically timber harvest levels on an entire forest or to change a multiplicity of uses in order to accommodate greatly increased recreation demands might force a "revision". In this regard, the Committee wishes to note, however, that in the vast majority of cases the 10–15 year planning cycle established by NFMA and the existing regulations is short enough to accommodate most changes. It is highly unlikely that conditions will change so dramatically in 10–15 years so as to require more frequent "revisions". For example, it would be hard to envision a scenario under which demands for primitive, semi-primitive or motorized recreation would increase so rapidly over an entire national forest that the Forest Service would feel obliged to revise a plan prior to the normal 10–15 year life span. Recreation demands might increase in a specific area or areas, but such demands could be met by amending the plan, as opposed to revising it.

Forest Service Chief Max Peterson has indicated that, in his view, most plans will be in existence for approximately 10 years before they are revised. The Committee shares this view and anticipates that the vast majority of plans will not be revised significantly in advance of their anticipated maximum lifespan absent extraordinary circumstances. The Committee understands and expects that with first generation plans to be in effect by late 1985, or slightly later, the time of revision for most plans will begin around 1995. In almost every case, the Committee, therefore, expects that the consideration of wilderness for these roadless areas will not be reexamined until approximately 1995. The Committee notes that administrative or judicial appeals may mean that many first generation plans are not actually implemented until the late 1980's, in which case plan revisions would be unlikely to occur until around

the year 2000, or beyond. Or, if the full 15 years allowed by NFMA runs before a revision is undertaken, the wilderness option may not in some cases be reviewed until the year 2000 or later.

The question has also arisen as to whether a "revision" would be triggered if the Forest Service is forced by the courts to modify or rework an initial plan, or if the Forest Service withdrew an initial plan to correct technical errors or to address issued raised by an administrative appeal. The Committee wishes to state in the most emphatic terms possible, that any reworking of an initial plan for such reasons would obviously not constitute a "revision" of the plan that would reopen the wilderness questions. Rather, any such reworking would constitute proper *implementation* of the plan. The logic for the Committee's reasoning in this regard is that any such court ordered or administrative reworking or modification of a plan would come about to resolve questions related to the preparation and implementation of the plan in accordance with the requirements of NFMA and other applicable law. So such reworking or modification would not be a "revision" (which pursuant to NFMA and the implementing regulations is to be based on changed conditions or demands on the *land*), since a plan must be properly prepared and implemented before it can be "revised".

The fact that the wilderness option for roadless areas will be considered in the future during the planning process raises the hypothetical argument that the areas must be managed to preserve their wilderness attributes so these may be considered in the future. Such an interpretation would result in all roadless areas being kept in de facto wilderness status for a succession of future planning processes. Such a requirement would completely frustrate the orderly management of nonwilderness lands and the goals of the Forest and Rangeland Renewable Resources Planning Act as amended.

To eliminate any possible misunderstanding on this point, the bill provides that areas not designated as wilderness need not be managed for the purpose of protecting their suitability for further wilderness review prior to or pending revision of the initial plans. The Committee believes the Forest Service already has statutory authority to manage roadless areas for multiple use, nonwilderness purposes. It wishes to make clear, however, that study of the wilderness option in future generations of section 6 plans is required only for those lands which may be suited for wilderness at the time for the implementation of the future plans. Between the planning cycles, the uses authorized in the plan in effect can proceed until a new plan is implemented. In short, one plan will remain in effect until the second plan is implemented. For lands recommended for nonwilderness uses in future generations of plans there is no bar to management which may, as a practical matter, result in the land no longer being suited for wilderness. Thus, it is likely that many areas studied for wilderness in one generation of plans may not physically qualify for wilderness consideration by the time the next generation of plans is prepared. As an example of this, the Committee notes that many areas studied for wilderness in RARE II and recommended for nonwilderness have already been developed since their administrative "release" in April of 1979.

Therefore, under this language, the Forest Service may conduct a timber sale in a roadless area and not be challenged on the basis that the area must be considered for wilderness in a future planning cycle. Once a second-generation plan is implemented in accordance with applicable law including the National Environmental Policy Act, the Forest Service may, of course, manage a roadless area not recommended for wilderness designation according to that plan without the necessity of preserving the wilderness option for the third-generation planning process. Should the particular area still be suited for possible wilderness designation at the time of the third-generation planning process, the wilderness option would be considered at that time. In short, the wilderness option must be considered in each future planning generation if the particular lands in question still possess wilderness attributes. However, there is no requirement that these attributes be preserved solely for the purpose of their future evaluation in the planning process.

In short, this language means that the Forest Service cannot be *forced* by any individual or group through a lawsuit, administrative appeal, or otherwise to manage lands not recommended for wilderness designation in a "de facto" wilderness manner. Of course, the Forest Service can, if it determines it appropriate, manage lands in an undeveloped manner, just as it can, if through the land management planning process it determines it appropriate, develop released lands. The emphasis here is that the Forest Service will be able to manage released lands in the manner determined appropriate through the land management planning process.

However, the language also provides that lands recommended for wilderness in future generations of plans shall be managed for the purpose of protecting their suitability for wilderness designation as may be required by the Forest and Rangeland Renewable Resources Planning Act of 1974 as amended by the National Forest Management Act of 1976, and other applicable law upon implementation of such plans.

The final issue addressed by the Committee in section 5 of S. 837 pertains to the possibility of future administrative reviews similar to RARE I and RARE II. With the National Forest Management Act planning process now in place, the Committee wishes to see the development of any future wilderness recommendations by the Forest Service take place only through that planning process, unless Congress expressly asks for other additional evaluations. Therefore, the legislation directs the Department of Agriculture not to conduct any further statewide roadless area review and evaluation of national forest system lands in Washington for the purpose of determining their suitability for inclusion in the National Wilderness Preservation System.

The Committee recognizes that this directive might technically be evaded by conducting such a study on some basis slightly smaller than statewide. The Committee is confident, however, that the Department recognizes the spirit as well as the letter of this language and that the Committee can expect there will be no "RARE III".

JUNIPER DUNES WILDERNESS

The Committee amendment provides for the designation of an approximate 7,140-acre Juniper Dunes Wilderness in Franklin County, Washington. The Juniper Dunes area is comprised of public lands rather than national forest lands and is administered by the Secretary of the Interior through the Bureau of Land Management.

The moving sand dunes and sage stepped grasslands make this roadless area (the only roadless area in the Columbia Basin) unique. The area also contains groves of western juniper trees at the northern most extent of their range. Juniper Dunes is also home to scarce wildlife such as ferringinous hawks.

The Committee amendment also includes standard management language for the area.

MT. BAKER NATIONAL RECREATION AREA

The substitute amendment adopted by the Committee includes a Mt. Baker National Recreation Area comprising some 8,600 acres in the Mt. Baker-Snoqualmie National Forest. This area provides excellent recreation opportunities, especially for snowmobilers and deserves the special protection afforded by national recreation area status. The area is to be administered in accordance with applicable Forest Service laws, rules and regulations in a manner so as to preserve the many recreational, scenic, and wildlife values of the area.

NORTH CASCADES SCENIC HIGHWAY

S. 837, as ordered reported, also includes the designation of a North Cascades Scenic Highway area in the Mt. Baker-Snoqualmie and Okanogan National Forests comprising some 87,757 acres. This area, along either side of the present North Cascades Highway, has outstanding scenic values that provide an excellent opportunity to preserve a unique aesthetic travelway through the Cascades Mountains.

BUFFER ZONES

The Committee substitute amendment includes language that has appeared in several wilderness bills since 1980, stating the intent of Congress that the designation of wilderness areas not lead to the creation of protective perimeters or buffer zones around each wilderness.

LAND EXCHANGE

Finally, the substitute amendment adopted by the Committee includes a section directing the Secretary of Agriculture to acquire by exchange certain non-Federal lands just outside and adjacent to the proposed Norse Peak Wilderness Area. Acquisition of these lands is desirable to help insure public access to this new wilderness area in general and to several small lakes in particular. It is intended that this exchange be consummated no later than 90 days after the enactment of the Washington Wilderness Act of 1984.

SECTION-BY-SECTION ANALYSIS

Section 2. Findings and Purposes

This section sets out a series of findings and purposes. These are patterned after other wilderness measures reported by the Senate Energy and Natural Resources Committee since 1979.

Section 3. Designation of Wilderness Areas

This section includes the designation of 17 new national forest wilderness areas in Washington State and additions to four existing wilderness areas totaling approximately 1,031,738 acres of wilderness.

Section 4. Maps and Legal Descriptions

This section includes standard language common to all wilderness legislation regarding management of the area, maps and legal descriptions.

Section 5. Release Language

This section includes the compromise "release" language drafted by Senator McClure and Congressmen Udall and Seiberling, and agreed to by the Senate Energy and Natural Resources Committee (see the "Committee Amendment" portion of this report for a discussion of these provisions).

Section 6. Juniper Dunes Wilderness Area

This section designates the Juniper Dunes Wilderness Area which comprises approximately 7,140 acres of public lands, managed by the Bureau of Land Management.

Section 7. Mt. Baker National Recreation Area

This section establishes an 8,600-acre Mt. Baker National Recreation Area in the Mt. Baker-Snoqualmie National Forest.

Section 8. North Cascades Scenic Highway

This section implements a recommendation of Washington Governor, John Spellman, to establish a North Cascades Scenic Highway comprising approximately 87,757 acres.

Section 9. Buffer-Zone Language

This section contains language prohibiting the establishment of buffer zones around wilderness areas in Washington State.

Section 10. Land Exchange

This section authorizes and directs the Secretary of Agriculture to acquire, by exchange, approximately two sections on non-federally owned land just outside the Norse Peak Wilderness established by S. 837 as ordered reported. These lands provide one of the primary access points to the new wilderness.

COST AND BUDGETARY CONSIDERATIONS

The following estimate of costs of this measure has been provided by the Congressional Budget Office:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, D.C., May 7, 1984.

Hon. JAMES A. MCCLURE,
Chairman, Committee on Energy and Natural Resources, U.S. Senate, Dirksen Senate Office Building, Washington, D.C.

DEAR MR. CHAIRMAN: The Congressional Budget Office has reviewed S. 837, the Washington State Wilderness Act of 1984, as ordered reported by the Senate Committee on Energy and Natural Resources, May 2, 1984.

This bill adds approximately 1 million acres of land in Washington to the national wilderness preservation system; designates the Mt. Baker National Recreation Area; and directs the Secretary of Agriculture to administer approximately 87,810 acres of land to preserve the scenic value of the lands surrounding the North Cascades Highway. Based on information from the National Forest Service (NFS), it is estimated that additional costs to the federal government for surveying, planning and related activities will be approximately $200,000 per year during the five fiscal years beginning with 1985.

According to the provisions of the National Wilderness Preservation System Act, all timber in areas designated as units of the national wilderness preservation system is removed from the timber base of the national forest in which it is located. This results in a reduction of the annual potential yield of the forest. Based on information from the second roadless area review and evaluation (RARE II) carried out by the Department of Agriculture, the annual loss of timber receipts resulting from this bill is expected to approach $13 million per year. However, because of the lag between timber sales and receipts, the loss of receipts will be smaller during the first five years following enactment of the bill. Furthermore, any lost federal timber receipts would be at least partially offset by reduced payments to state and local governments, and by a reduction in timber purchaser road construction credits.

Lands designated as wilderness are also withdrawn from mineral activity under the terms of the National Wilderness Preservation Act. No significant loss of mineral receipts is expected to result from this bill, however, because existing surveys show little mineral potential in the lands involved.

All roadless areas in national forests not designated as wilderness or expressly excluded from further review by an act of the Congress are currently being reevaluated for their suitability for inclusion in the national wilderness perservation system. S. 837 removes from this review all roadless areas in Washington State included in RARE II. This will result in a small savings in land management planning costs over the next three years.

Section 10 of the bill authorizes a land exchange of equal value, but makes an allowance for cash equalization in the event the lands to be exchanged have minor differences in values. No significant budget impact is expected to result from this provision.

The federal government makes payments to state and local governments based on the amount of receipts collected from the sale of timber on national forests. Payments to the state and local govern-

ments would be reduced by $3 million annually if gross federal timber receipts are reduced by $13 million per year.

Further details on this estimate are available from Debbie Goldberg of our Budget Analysis Division.

Sincerely,

RUDOLPH G. PENNER, *Director.*

REGULATORY IMPACT EVALUATION

In compliance with paragraph 11(b) of Rule XXVI of the Standing Rules of the Senate, the Committee makes the following evaluation of the regulatory impact which would be incurred in carrying out S. 837, to designate certain national forest system lands in the State of Washington for inclusion in the National Wilderness Preservation System.

The bill is not a regulatory measure in the sense of imposing Government-established standards or significant economic responsibilities on private individuals and businesses.

No personal information would be collected in administering the program. Therefore, there would be no impact on personal privacy.

Little if any additional paperwork would result from the enactment of S. 837.

EXECUTIVE COMMUNICATIONS

The pertinent legislative report received by the Committee setting forth Executive agency recommendations relating to S. 837 is set forth below:

DEPARTMENT OF AGRICULTURE,
OFFICE OF THE SECRETARY,
Washington, D.C., September 28, 1983.

Hon. JAMES A. MCCLURE,
Chairman, Committee on Energy and Natural Resources,
U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: As you requested, here is our report on S. 837, a bill "To designate certain National Forest System lands in the State of Washington for inclusion in the National Wilderness Preservation System and for other purposes."

The Department of Agriculture recommends enactment of the bill only if amended as suggested herein.

Title I of S. 837 would designate seven new wildernesses and would make additions to three existing wildernesses in the State of Washington. These proposed designations all are within the National Forest System and would add approximately 363,400 acres to the National Wilderness Preservation System. Further, Title I of the bill provides, with respect to National Forest System lands in the State of Washington, that the RARE II Final Environmental Impact Statement not be subject to judicial review and that areas not recommended by RARE II for wilderness, not placed by RARE II in further planning status, or not designated by Congress for wilderness study, be released from further review and evaluation as wilderness for purposes of initial land management plans. These released areas would not need to be managed for protecting their suitability for possible future wilderness designation. In addition,

Title I directs the Department of Agriculture not to conduct any further statewide evaluation of National Forest lands for determining their possible suitability for wilderness designation.

Title II of the bill designates 12 additional areas to be considered for wilderness in the State of Washington. Eleven of these areas are National Forests within the jurisdiction of the Department of Agriculture. The other area, Juniper Forest, is managed by the Department of the Interior's Bureau of Land Management. We defer to the Department of the Interior for comment on the Juniper Forest area.

The seven areas proposed for wilderness designation by Title I of S. 837 were evaluated by RARE II. The previous Administration recommended all seven for wilderness. We support six of these recommendations—the Buckborn, Colonel Bob, Mt. Skokomish, Salmo-Priest, Tatoosh, and Brothers—as being balanced proposals which would add 128,300 acres to the National Wilderness Preservation System; however, we recommend that Cougar Lakes not be designated as wilderness. The previous Administration included the entire 128,000 acres of Cougar Lakes in their recommendations for wilderness even though the RARE II Final Environmental Impact Statement recommended only approximately 23,000 acres for wilderness. After further consideration and analysis, we now feel that none of Cougar Lakes should be designated as wilderness. Our reasons for this recommendation are several.

First, 93,000 acres of the Cougar Lakes area are productive commercial timber land. The timber growth capabilities of these lands are high. Second, since the annual sustained harvest for the Cougar Lakes proposal is between 15–17 million board feet, the immediate and long-term capability to maintain current outputs of timber products on the Wenatchee National Forest is dependent on the availability of this area for uses other than wilderness. Third, the proposed Cougar Lakes wilderness area contains a significant mineral resource. The area has favorable geology, has sustained considerable past mining activity, and has had recent exploratory activity. Part of the area has potential for geothermal development. Fourth, part of the area also receives heavy off-road vehicle use associated with dispersed recreation activities such as snowmobiling and skiing. Fifth, the National Forests in Washington's Cascade Mountains already include approximately 1,390,000 acres of designated wildernesses and are adjoined by two major National Parks. The critical need is not for additional wilderness in this specific area, but for land to meet other resource objectives, including forms of recreation not permitted or readily enjoyed in wilderness. For all these reasons, we conclude the public interest would clearly be better served by managing Cougar Lakes for a broad range of uses rather than as wilderness.

With the following adjustments, we would support the three additions to existing wildernesses proposed by Title I of the bill. We recommend deletion of a 1,540-acre portion of the Glacier Peak Wilderness addition. This portion of the wilderness addition proposal was added by the previous Administration as a change to RARE II recommendations documented in the Final Environmental Impact Statement. Including these 1,540 acres in the wilderness

create a poorly defined boundary and would result in a difficult management situation.

We also recommend deletion of 4,000 acres of the Glacier Peak proposal in the Chiwawa River area. Since the original recommendation in 1979, activity associated with the Trinity Mine has impacted the wilderness character of the area. We now conclude it would be inappropriate to include this area in wilderness. With these adjustments, our recommendation would be for an 84,460-acre addition to the Glacier Peak Wilderness, for a 14,300-acre addition to Mt. Adams Wilderness, and for a 2,800-acre addition to Pasayten Wilderness.

With the deletion of the Cougar Lakes proposal and the reduction in size of the Glacier Peak addition, Title I of S. 837 would designate a total of 229,860 acres in the State of Washington as additional wilderness. This would then make a total of 19 percent of all National Forest lands in Washington wilderness.

We oppose inclusion of Title II in S. 837. The 11 areas named in this title, which are under Forest Service management, fall into two categories as a result of the RARE II process and as a result of unit planning. Four of the 11 areas were identified for "Further Planning" while the remaining seven are planned for nowilderness uses through RARE II recommendations and unit plans.

The four "Further Planning" areas—Goat Rocks, Glacier View, Indian Heaven, and Eagle Rocks—total approximately 89,940 acres as identified in the RARE II Final Environmental Statement. Forest Land and Resource Management plans are now underway that will determine the appropriate uses for these areas. This planning is being done with full consideration to all resource values and needs including the potential of the area for wilderness or various commodity uses.

The values are high; for example, the annual potential timber yield from these further planning areas is approximately 20 million board feet. These areas should remain in this further planning category until the plans and recommendations are completed.

Six of the seven remaining Forest Service Title II areas—Boulder River, Clearwater, Norse Peak, Mt Baker, Lake Chelan-Sawtooth, and Kettle Range—were identified by RARE II for uses other than wilderness. They total approximately 790,000 acres. After RARE II was completed, numerous developmental activities not normally considered compatible with a wilderness designation have been planned or implemented as shown on the enclosed table. Taken together these areas have a potential annual yield of 120–140 million board feet of timber, which would provide for 1,500–1,800 jobs in the State of Washington.

The RARE II process analyzed roadless areas for wilderness characteristics, resource availability and use, and included comprehensive public involvement. The recommendations contained in the RARE II Final Environmental Impact Statement carefully arrived at a balance among the various competing land use objectives for the areas considered in the State of Washington. There is no sound basis for discarding those recommendations.

The Dark Divide area was not included in the RARE II Final Environmental Impact Statement, but was recommended for uses other than wilderness in unit planning decisions made on the Gif-

ford Pinchot National Forest from 1976–1978. Annual potential timber yield of approximately 16 million board feet is anticipated from this area. It is the Administration's position that this area also should continue to be managed for uses other than wilderness.

Moving to the other aspect of the bill, we support the inclusion of release and sufficiency language in the bill, but we strongly recommend a long-term or permanent form of release. Such release language would assure a broad range of uses and management of these lands, resulting in more dependable community and economic stability in the State of Washington.

With amendments eliminating the proposed Cougar Lakes wilderness, adjusting the size of Glacier Peak Addition, strengthening the release language, and deleting of the Title II areas, we conclude that this legislation would provide a balanced wilderness designation for the State of Washington which the Administration would support.

If the bill is amended as we recommend, we estimate the cost of establishing and managing the areas would be $350,000 per year over the next 5 years.

The Office of Management and Budget advises there is no objection to the presentation of this report from the standpoint of the Administration's program.

Sincerely,

JOHN R. BLOCK, *Secretary.*

Enclosure

S. 837.—TITLE II PORTION—DEVELOPMENT ACTIVITIES IN RARE II NON-WILDERNESS AREAS IDENTIFIED IN TITLE II OF S. 837

Name, RARE II Number, and title II name	E06 timber sales	C05 fish habit improve	MIH Code G02 oil gas min. mgt.	G04 geothermal min. mgt.	J01 special use	C04 habitat improve	299 all other	G06 mineral mgt. non energy
Boulder, 06050, Boulder River	7 planned	1 planned						
Clearwater, 06055, Clearwater	9 planned		Existing oil gas lease.	Pending lease	B.N. cost share.			
	2 existing							
Amoeba, 06068, Dark Divide [1]								
Norse Peak, 06034, Norse Peak	11 planned		1 existing					
	3 awarded		1 planned		Naches Rd			
Mt. Baker, 06041, Mt. Baker	2 completed			1 planned		1 Elk	2 exchanges	
	5 awarded						w/DNR	
	15 planned							
Sawtooth, 06027, Lake Chelan, Sawtooth	4 awarded		1 planned		Helicopter			2 ongoing.
	9 planned		2 existing		Skiing			1 planned.
Profanity, 06004, Kettle Range	2 awarded							
	1 bid opened							
	7 planned							
Twin Sisters, 06005, Kettle Range	4 awarded							
	3 completed							
	1 planned							
Bald Snow, 06007, Kettle Range	1 awarded							
	1 planned							
13 Mile, 06008, Kettle Range	2 planned							

[1] Data only available from region.

CHANGES IN EXISTING LAW

In compliance with paragraph 12 of rule XXVI of the Standing Rules of the Senate, The Committee notes that no changes in existing law would be made by the bill, S. 837, as reported.

○

Calendar No. 895

98TH CONGRESS
2d Session

SENATE

REPORT
98-462

ARKANSAS WILDERNESS ACT OF 1984

MAY 18 (legislative day, MAY 14), 1984.—Ordered to be printed

Mr. MCCLURE, from the Committee on Energy and Natural Resources, submitted the following

REPORT

[To accompany S. 2125]

The Committee on Energy and Natural Resources, to which was referred the bill (S. 2125) entitled the "Arkansas Wilderness Act of 1983," having considered the same, reports favorably thereon with amendments to the text and to the title and recommends that the bill, as amended, do pass.

The amendments are as follows:

1. On page 1, line 4, strike "1983'." and insert "1984'.".
2. On page 3, line 10, strike "SEC. 4." and insert "SEC. 3.".
3. On page 4, line 4, strike "'Belle Starr Caves" and insert, "'Poteau Mountain"; and on page 4, lines 6 and 7, strike "Belle Starr Caves" and insert "Poteau Mountain".
4. On page 4, line 13, strike "Wilderness;" and insert the following:

> Wilderness: *Provided*, That for purposes of the Act of July 14, 1955 (69 Stat. 322) as amended, the Flatside Wilderness may be reclassified only by Act of Congress;.

5. On page 4, lines 14 through 19, delete subsection (e) in its entirety and renumber the subsequent subsections accordingly.
6. On page 6, line 3, strike "Wilderness;" and insert "Wilderness; and".
7. On page 6, line 9, strike "Wilderness;" and insert "Wilderness.".
8. On page 6, after line 9, add the following new section and renumber all subsequent sections accordingly:

> SEC. 4. The Congress finds that certain lands within the Ouachita National Forest, Arkansas, have important scenic, recreational, and wildlife values. In order to conserve and protect these values, the area lying adjacent to and between

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the two portions of the Poteau Mountain Wilderness as designated by this Act and comprising approximately three thousand four hundred acres, as generally depicted on a map entitled "Poteau Mountain Wilderness—Proposed", dated November 1983, shall be managed to protect the scenic, recreational, and wildlife values of these lands and shall be hereby withdrawn, subject to valid existing rights, from all forms of appropriation under the mining laws and from disposition under all laws pertaining to mineral leasing and geothermal leasing and all amendments thereto. The area shall further be administered by the Secretary of Agriculture to maintain presently existing wilderness with no commercial timber harvesting nor additional road construction permitted. The Secretary is authorized to permit motor vehicle access within the area where such access was established prior to the date of enactment of this Act or where such access is compatible with the purposes for which the area was designated. Management direction for the area that recognizes these values shall be included in the forest plan developed for the Ouachita National Forest in accordance with section 6 of the Forest and Rangeland Renewable Resources Planning Act of 1974 as amended by the National Forest Management Act of 1976.

9. On page 6, beginning on line 10, strike section 4 in its entirety and insert in lieu thereof the following new language:

SEC. 5(a) The Congress finds that—

(1) the Department of Agriculture has completed the second roadless area review and evaluation program RARE II);

(2) the Congress has made its own review and examination of national forest system roadless areas in Arkansas and of the environmental impacts associated with alternative allocations of such areas.

(b) On the basis of such review, the Congress hereby determines and directs that—

(1) without passing on the questions of the legal and factual sufficiency of the RARE II Final Environmental Impact Statement (dated January 1979) with respect to national forest system lands in States other than Arkansas, such statement shall not be subject to judicial review with respect to national forest system lands in the State of Arkansas;

(2) with respect to the national forest system lands in the State of Arkansas which were reviewed by the Department of Agriculture in the second roadless area review and evaluation (RARE II) and those lands referred to in subsection (d), that review and evaluation or reference shall be deemed for the purposes of the initial land management plans required for such lands by the Forest and Rangeland Renewable Resoures Planning Act of 1974, as amended by the National Forest Manage-

ment Act of 1976, to be an adequate consideration of the suitability of such lands for inclusion in the National Wilderness Preservation System and the Department of Agriculture shall not be required to review the wilderness option prior to the revisions of the plans, but shall review the wilderness option when the plans are revised, which revisions will ordinarily occur on a ten-year cycle, or at least every fifteen years, unless, prior to such time the Secretary of Agriculture finds that conditions in a unit have significantly changed;

(3) areas in the State of Arkansas reviewed in such final environmental statement or referenced in subsection (d) and not designated wilderness upon enactment of this Act, or proposed for special management in section 4 of this Act, shall be managed for multiple use in accordance with land management plans pursuant to section 6 of the Forest and Rangeland Renewable Resources Planning Act of 1974, as amended by the National Forest Management Act of 1976: *Provided*, That such areas need not be managed for the purpose of protecting their suitability for wilderness designation prior to or during revision of the initial land management plans;

(4) in the event that revised land management plans in the State of Arkansas are implemented pursuant to section 6 of the Forest and Rangeland Renewable Resources Planning Act of 1974, as amended by the National Forest Management Act of 1976, and other applicable law, areas not recommended for wilderness designation need not be managed for the purpose of protecting their suitability for wilderness designation prior to or during revision of such plans, and areas recommended for wilderness designation shall be managed for the purpose of protecting their suitability for wilderness designation as may be required by the Forest and Rangeland renewable Resources Planning Act of 1974, as amended by the National Forest Management Act of 1976, and other applicable law; and

(5) unless expressly authorized by Congress, the Department of Agriculture shall not conduct any further statewide roadless area review and evaluation of national forest system lands in the State of Arkansas for the purpose of determining their suitability for inclusion in the National Wilderness Preservation System.

(c) As used in this section, and as provided in section 6 of the Forest and Rangeland Renewable Resources Planning Act of 1974, as amended by the National Forest Management Act of 1976, the term "revision" shall not include an "amendment" to a plan.

(d) The provisions of this section shall also apply to national forest system roadless lands in the State of Arkansas which are less than five thousand acres in size.

10. On page 9, after line 5, add the following new section:

SEC. 7. Congress does not intend that designation of wilderness areas in the State of Arkansas lead to the creation of protective perimeters or buffer zones around each wilderness area. The fact that nonwilderness activities or uses can be seen or heard from areas within the wilderness shall not, of itself, preclude such activities or uses up to the boundary of the wilderness.

Amend the title so as to read:

A bill to designate certain national forest system lands in the State of Arkansas for inclusion in the National Wilderness Preservation System, and for other purposes.

PURPOSE OF MEASURE

The purpose of S. 2125 as ordered reported is to designate approximately 117,000 acres of national forest land in the State of Arkansas for inclusion in the National Wilderness Preservation System. The measure also insures that certain other national forest system lands in the State of Arkansas not designated as wilderness by this Act be available for other multiple uses.

BACKGROUND AND NEED

The Forest Service inventoried approximately 208,000 acres of roadless lands in Arkansas during the Second Roadless Area Review and Evaluation (RARE II). As a result of that evaluation, the Carter Administration, on April 15, 1979, recommended some 25,426 acres in Arkansas be designated as wilderness; approximately 38,300 acres be placed in a further planning category; and 145,400 acres be made available for uses other than wilderness.

In 1980, a Federal District Court found that the RARE II Final Environmental Impact Statement did not meet the requirements of the National Environmental Policy Act. This decision was subsequently upheld by the Ninth Circuit Court of Appeals. While the effect of this decision on other Forest Service regions is unclear, the Forest Service believes that activities on areas inventoried in RARE II could be subject to administrative and judicial review. As a result, there is considerable uncertainty concerning the Forest Service's ability to plan for and manage the national forests—especially those lands inventoried and studied in the RARE II process.

S. 2125 seeks to resolve the RARE II controversy in Arkansas by designating certain national forest system lands in the State as wilderness and by making other lands available for other multiple uses.

LEGISLATIVE HISTORY

S. 2125 was introduced by Senators Bumpers and Pryor on November 17, 1983. On February 22, 1984, Senator Tower was added as a cosponsor. Field hearings were held in Little Rock on February 15, 1984. A hearing in Washington, D.C., before the Subcommittee on Public Lands and Reserved Water, was conducted on April 6, 1984. The Administration has recommended that S. 2125 not be enacted. At a business meeting on May 2, 1984, the Committee on Energy and Natural Resources ordered S. 2125, as amended, favorably reported.

COMMITTEE RECOMMENDATION AND TABULATION OF VOTES

The Senate Committee on Energy and Natural Resources, in open business session on May 2, 1984, by a unanimous vote of a quorum present recommended that the Senate pass S. 2125, if amended, as described herein.

The rollcall vote on reporting the measure was 21 yeas, 0 nays as follows:

YEAS	NAYS
Mr. McClure	
Mr. Hatfield	
Mr. Weicker [1]	
Mr. Domenici [1]	
Mr. Wallop	
Mr. Warner	
Mr. Murkowski [1]	
Mr. Nickles [1]	
Mr. Hecht	
Mr. Chafee	
Mr. Heinz [1]	
Mr. Evans	
Mr. Johnston [1]	
Mr. Bumpers	
Mr. Ford	
Mr. Metzenbaum [1]	
Mr. Matsunaga	
Mr. Melcher	
Mr. Tsongas [1]	
Mr. Bradley	
Mr. Levin [1]	

[1] Indicates voted by proxy.

COMMITTEE AMENDMENTS

During the consideration of S. 2125, the Committee adopted several amendments to the bill as introduced. A discussion of the amendments follows:

1. The first amendment changes the short title to reflect the current year.

2. The second amendment adopted by the Committee was a technical amendment correcting an improper section reference.

3. The third amendment changes the name of the proposed "Belle Starr Caves" wilderness to the "Poteau Mountain" wilderness.

4. The fourth amendment makes it clear that for the purposes of the Clean Air Act, the proposed Flatside Wilderness area may not be redesignated as a Class 1 air quality area unless so classified by an act of Congress. This language is identical to that adopted by the Committee and the Congress last year in the West Virginia Wilderness bill.

5. The next amendment adopted by the Committee deletes the proposed 300-acre Upper Kiamichi River Wilderness from S. 2125. The Committee took this action not because the area lacks wilderness attributes. Rather, the area was deleted from this bill because the vast majority of the roadless area (10,800 out of 11,100 acres) is located in

Oklahoma and not the subject of this bill. The Committee directs that the Forest Service continue to manage these 300 acres to protect their wilderness suitability in accordance with the Forest Service's own recommendations that the area should be added to the National Wilderness Preservation System.

6. and 7. The next two Committee amendments are technical and correct punctuation errors.

8. The next Committee amendment adds new language regarding the management of certain lands lying adjacent to and between the two portions of the proposed Poteau Mountain Wilderness. While these lands are not being designated as wilderness, it is the intent of the Committee that the significant scenic, recreation, and wildlife values of these lands be protected. Motor vehicle use in the area on existing roads may be permitted. This use is especially important for hunters, fishermen, and other users of the area.

9. The ninth amendment ads new release/sufficiency language to the measure.

"Release/sufficiency" language has been incorporated by the Congress in several State wilderness bills enacted over the past several years. That language statutorily confirmed the April 1979 administrative "release" of certain RARE II nonwilderness recommended lands and released other lands not designated as wilderness or wilderness study. This was commonly referred to as "Colorado release".

The language continued to trouble a number of affected industry groups, and in an effort to address their concerns, the Committee has made clarifications in the statutory language found in section 5. The Committee wishes to further clarify the purpose and intent of the provisions of this section and elaborate on certain issues not specifically discussed in previous bills.

The question of "release", i.e., making lands available for nonwilderness management and possible development arises from the interest in the future management of areas reviewed during the RARE II process. The controversy focuses on the point at which those lands not designated as wilderness by this Act but reviewed in the RARE II process can again be considered for possible recommendation to the Congress for designation as wilderness, and on the questions of how these lands will be managed.

The "sufficiency" aspect of this question arose because of a decision in Federal District Court in California. Soon after the completion of RARE II, the State of California brought suit against the Secretary of Agriculture challenging the legal and factual sufficiency of the RARE II Final Environmental Impact Statement insofar as its consideration of wilderness in some 46 areas in the State of California was concerned.

In January 1980 Judge Lawrence Karlton of the United States District Court for the Eastern District of California, in *State of California* v. *Bergland*, 483 F. Supp. 465 (1980), held that the RARE II Final Environmental Statement had insufficiently considered the wilderness alternative for the specific areas challenged. Judge Karlton enjoined any development which would "change the wilderness character" of these areas until subsequent consideration of the wilderness values in accordance with the National Environmental Policy Act was completed by the Department of Agriculture. The Ninth Circuit Court

of Appeals affirmed in District Court opinion in *California* v. *Block*, 690 F. 2d 653 in 1982.

While the decision applied specifically only to the 46 roadless areas in California for which the plaintiffs sought relief, the overall conclusions in the case are biding in States such as Arkansas that are located in the Ninth Circuit. The net effect is that development activities on roadless areas in such States may be held up if appealed in administrative or judicial forums. This has, in fact, already happened in several instances, and has thrown a cloud of uncertainty over the development of some roadless areas, whereas development has occurred in others.

The Wilderness Act of 1964 provides that only Congress can designate land for inclusion in the National Wilderness Preservation System. Since the Committee has, in the course of developing this bill, very carefully reviewed the roadless areas in Arkansas for possible inclusion in the National Wilderness Preservation System, the Committee believes that judicial review of the RARE II Final Environmental Statement insofar as national forest system lands in Arkansas are concerned is unnecessary. Therefore, the bill provides that the final environmental statement is not subject to judicial review with respect to national forest system lands in Arkansas.

The Committee does wish to reemphasize that the sufficiency language in this Act only holds the RARE II EIS to be legally sufficient for the roadless areas in the State of Arkansas and only on the basis of the full review undertaken by the Congress. Similar language will be necessary to resolve the issue in the other State.

The RARE II process during 1977–79 took place concurrently with the development by the Forest Service of a new land management planning process mandated by the National Forest Management Act of 1976. That process requires that the forest land management plans be reviewed and revised periodically to provide for a variety of uses. During the review and revision process the Forest Service is required to study a broad range of potential uses and options including wilderness. In conjunction with the National Environmental Policy Act, NFMA provides that the option of recommending land to Congress for inclusion in the National Wilderness Preservation System is one of the many options which must be considered during the planning process for those lands which may be suited for wilderness. The language of S. 2125 reconfirms this requirement. The Forest Service is presently developing the initial, or "first generation," plan for each national forest. These are the so-called "section 6" plans and are targeted for completion by September 30, 1985. For the three national forests in Arkansas. some plans may not actually be completed and implemented until 1986 or later due to administrative problems including delay resulting from the cloud of the California lawsuit and the debate taking place as a result of pending legislation.

One of the goals of RARE II was to consider the wilderness potential of national forest roadless areas. The Committee believes that further consideration of wilderness during development of the initial plans for the certain national forest system roadless areas as defined by section 5, not designated as wilderness upon enactment of S. 2125 would be duplicative of the study and review which has recently taken place by both the Forest Service andthe Congress. Therefore, the re-

lease language of S. 2125 provides that wilderness values of these areas need not be reviewed again during development of the "first generation plans." Moreover, the language provides that during development of, and prior to or during revision of initial plans, released areas need not be managed for the purpose of protecting their suitability for wilderness designation.

Beyond the initial plans lies the issue of when the wilderness option for roadless areas should again be considered. As noted, the initial plans are targeted for completion by September 30, 1985. The National Forest Management Act provides that a plan shall be in effect for no longer than 15 years before it is revised. The Forest Service regulations, however, provide that a forest plan "shall ordinarily be revised on a 10-year cycle or at least every 15 years." (36 CFR 219.10(g)). The language of S. 2125 tracks these regulations.

The bill, as reported, provides that the Department of Agriculture shall not be required to review the wilderness option until it revises the initial plans. By using the work "revision" the Committee intends to make it clear, consistent with NFMA and current Forest Service regulations, that amendments or even amendments which might "result in a significant change" in a plan, would not trigger the need for reconsideration of the wilderness option and section 5 so provides. The wilderness option does not need to be reconsidered until the Forest Service determines, based on a review of the lands covered by a plan, that conditions in the area covered by a plan have changed so significantly that the entire plan needs to be completely revised.

A revision of a forest plan will be a costly undertaking in terms of dollars and manpower and the Committee does not expect such an effort to be undertaken lightly. Every effort will be made to address local changes through the amendment process leaving the revision option only for major, forest wide changes in conditions or demands.

For example, if a new powerline were proposed to be built across a forest, this would be accomplished by an amendment, not a revision, and therefore the wilderness option would not have to be re-examined. Likewise, the construction of new range improvements or adjustments in livestock allotments for permittees would not constitute a "revision". It is only when a proposed change in management would significantly affect overall goals or uses for the entire forest concerned, that a "revision" would occur. For example, the recent eruption of Mount St. Helens, because it affect so much of the land on the entire Gifford Pinchot National Forest, including the forest's overall timber harvest scenario, would likely have forced a "revision" of the plan. Likewise, decisions to dramatically increase timber harvest levels on an entire forest or to change a multiplicity of uses in order to accommodate greatly increased recreation demands might force a "revision." In this regard, the Committee wishes to note, however, that in the vast majority of cases the 10–15 year planning cycle established by NFMA and the existing regulations is short enough to accommodate most changes. Conditions are highly unlikely to change so dramatically prior to 10–15 years that more frequent "revisions" would be required. For example, it would be hard to envision a scenario under which demands for primitive, semi-primitive or motorized recreation would increase so rapidly over an entire national forest that the Forest Service would feel obligated to revise a plan prior to the normal 10–15 year life span.

Recreation demands might increase in a specific area or areas, but such demands could be met by amending the plan, as opposed to revising it.

Forest Service Chief Max Peterson has indicated that, in his view, most plans will be in existence for approximately 10 years before they are revised. The Committee shares this view and anticipates that the vast majority of plans will not be revised significantly in advance of their anticipated maximum lifespan absent extraordinary circumstances. The Committee understands and expects that with first generation plans to be in effect by late 1985, or slightly later, the time of revision for most plans will begin around 1995. In almost every case, the Committee, therefore, expects that the consideration of wilderness for these roadless areas will not be reexamined until approximately 1995. The Committee notes that administrative or judicial appeals may mean that many first generation plans are not actually implemented until the late 1980's, in which case plan revisions would be unlikely to occur until around the year 2000, or beyond. Or, if the full 15 years allowed by NFMA runs before a revision is undertaken, the wilderness option may not in some cases be reviewed until the year 2000 or later.

The questions has also arisen as to whether a "revision" would be triggered if the Forest Service is forced by the courts to modify or rework an initial plan, or if the Forest Service withdrew an initial plan to correct technical errors or to address issues raised by an administrative appeal. The Committee wishes to state in the most emphatic terms possible, that any reworking of an initial plan for such reasons would obviously not constitute a "revision" of the plan that would reopen the wilderness questions. Rather, any such reworking would constitute proper implementation of the plan. The logic for the Committee's reasoning in this regard is that any such court ordered or administrative reworkings or modifications of a plan would come about to resolve questions related to the preparation and implementation of the plan in accordance with the requirements of NFMA and other applicable law. So such reworking or modification would not be a "revision" (which pursuant to NFMA and the implementing regulations is to be based on changed conditions or demands on the land), because a plan must be properly prepared and implemented before it can be "revised".

The fact that the wilderness option for roadless areas will be considered in the future during the planning process raises the hypothetical argument that the areas must be managed to preserve their wilderness attributes so these may be considered in the future. Such an interpretation would result in all roadless areas being kept in de facto wilderness for a succession of future planning processes. Such a requirement would completely frustrate the orderly management of nonwilderness lands and the goals of the Forest and Rangeland Renewable Resources Planning Act as amended.

To eliminate any possible misunderstanding on this point, the bill provides that areas not designated as wilderness need not be managed for the purpose of protecting their suitability for further wilderness review prior to or pending revision of the initial plans. The Committee believes the Forest Service already has statutory authority to manage roadless areas for multiple use, nonwilderness purposes. It wishes to make clear, however, that study of the wilderness option in future

generations of section 6 plans is required only for those lands which may be suited for wilderness at the time of the implementation of the future plans. Between the planning cycles, the uses authorized in the plan in effect can proceed until a new plan is implemented. In short, one plan will remain in effect until the second plan is implemented. For lands recommended for nonwilderness uses in future generations of plans there is no bar to management which may, as a practical matter, result in the land no longer being suited for wilderness. Thus it is likely that many areas studied for wilderness in one generation of plans may not physically qualify for wilderness consideration by the time the next generation of plans is prepared. As an example of this, the Committee notes that many areas studied for wilderness in RARE II and recommended for nonwilderness have already been developed since their administrative "release" in April of 1979.

Therefore, under this language, the Forest Service may conduct a timber sale in a roadless area and not be challenged on the basis that the area must be considered for wilderness in a future planning cycle. Once a second-generation plan is implemented in accordance with applicable law including the National Environmental Policy Act, the Forest Service may, of course, manage a roadless area not recommended for wilderness designation according to that plan without the necessity of preserving the wilderness option for the third-generation planning process. Should the particular area still be suited for possible wilderness at the time of the third-generation planning process, the wilderness option would be considered at that time. In short, the wilderness option must be considered in each future planning generation if the particular lands in question still possess wilderness attributes. But there is no requirement that these attributes be preserved solely for the purpose of their future evaluation in the planning process.

In short, this language means that the Forest Service cannot be forced by any individual or group through a lawsuit, administrative appeal, or otherwise to manage lands not recommended for wilderness designation in a "de facto" wilderness manner. Of course, the Forest Service can, if it determines it appropriate, manage lands in an undeveloped manner, just as it can, if through the land management planning process it determines it appropriate, develop released lands. The emphasis here is that the Forest Service will be able to manage released lands in the manner determined appropriate through the land management planning process.

However, the language also provides that lands recommended for wilderness in future generations of plans shall be managed for the purpose of protecting their suitability for wilderness designation as may be required by the Forest and Rangeland Renewable Resources Planning Act of 1974 as amended by the National Forest Management Act of 1976, and other applicable law upon implementation of such plans.

The final issue addressed by the Committee in section 5 of S. 2125 pertains to the possibility of future administrative reviews similar to RARE I and RARE II. With the National Forest Management Act planning process now in place, the Committee wishes to see the development of any future wilderness recommendations by the Forest Serv-

ice take place only through that planning process, unless Congress expressly asks for other additional evaluations. Therefore, the legislation directs the Department of Agriculture not to conduct any further statewide roadless area review and evaluation of national forest system lands in Arkansas for the purpose of determining their suitability for inclusion in the National Wilderness Preservation System.

The Committee recognizes that this directive might technically be evaded by conducting such a study on some basis slightly smaller than statewide. The Committee is confident, however, that the Department recognizes the spirit as well as the letter of this language and that the Committee can expect there will be no "RARE III."

10. The last amendment adopted by the Committee during the mark-up of S. 2125 adde a new section identical to that included in a number of other wilderness bills prohibiting the creation of buffer zones around wilderness areas in Arkansas.

SECTION-BY-SECTION ANALYSIS

Section 1 as reported contains the short title of S. 2125: The Arkansas Wilderness Act of 1984.

Section 2 includes findings and purposes.

Section 3 of S. 2125 as ordered reported contains the list of proposed wilderness areas recommended for inclusion in the National Wilderness Preservation System. A brief discussion of each area follows:

Black Fork Mountain Wilderness

As reported, S. 2125 would designate a 10,962-acre Black Fork Mountain Wilderness in the Ouachita National Forest. The area is dominated by a 20-mile-long ridge running in an east-west direction parallel and to the north of Rich Mountain. Approximately one-third of the mountain lies in Oklahoma and the remainder in Polk County, Arkansas. An extensive, apparently virgin, forest and a wide variety of mature and stable plant communities make this a very important recreation and research area.

Dry Creek Wilderness

S. 2125, as ordered reported, includes a 6,470-acre Dry Creek Wilderness also in the Ouachita National Forest. The area lies within the Atoka sandstone and shale formation at the southern fringe of the Arkansas Basin. Communities of the oak-hickory-pine association dominate the area. Wildlife communities consist of typical species of mammals (including black bear), reptiles, and birds. From the ridgeline of Petit Jean Mountain (south) to the valley floor, the area encompasses many sheer bluffs, characteristic of the Ozark Mountains.

Poteau Mountain Wilderness

The Committee-reported version of S. 2125 includes a 14,524-acre Poteau Mountain Wilderness (formerly Belle Starr Caves) in the Ouachita National Forest.

The area exhibits oak-hickory-pine vegetation associations typical of the Ozarks. Ozark Chinkapin is known along the upper portion of the Poteau Mountain area. The Poteau River is the closest major waterway in the area.

The area, both the eastern and western portions, provides an integrated example of wild and undeveloped lands with the rugged, Penn-

sylvanian sandstone and shale formations providing unique scenic opportunities. The headwaters of four major creeks are wholely contained within the boundaries of the area, and allow for a wide diversity of plant types from the ridgeline down to the valley floor. (See the "Committee Amendment" section of this report for a discussion of the management of the lands between the east and west portion of the wilderness area.)

Flatside Wilderness

S. 2125, as ordered reported, would designate a 10,735-acre Flatside Wilderness in the Ouachita National Forest.

The Flatside Wilderness lies in the eastern portion of the National Forest only 60 miles from Little Rock. This area presents nearby wilderness opportunities for a large part of the State's residents and is heavily used at present.

Although the area is near an urban center, it is cushioned by a 20-mile expanse of national forest land to the east and has national forest land extending all the way to Oklahoma on the west. Two extremely rugged mountains are located on the borders. Like bookends for the wilderness, Forked Mountain rises on the western edge while Flatside Pinnacle looms distinctively on the eastern side. Both of these mountains are so severely inclined and rocky that they are void of vegetation in many places. They resemble the better known Pinnacle Mountain which lies 40 miles to the east.

Upper Buffalo Addition

As reported, S. 2125 would add 1,504 acres to the existing Upper Buffalo Wilderness in the Ozark-Saint Francis National Forest. This addition will help complete boundaries and add valuable natural lands to the existing Upper Buffalo Wilderness in Arkansas. It is nestled in the heart of the Boston Mountains just upstream from the boundary of the Buffalo National River. Possessing outstanding natural character, the Upper Buffalo Wilderness embraces the headwaters of the Buffalo River and several of its tributaries. Serving as watershed protection for the upper segments of the Buffalo River, the wilderness is an essential ingredient in the overall effort to maintain the Buffalo River as an unpolluted, natural waterway.

The proposed addition is known to have diverse plant life, as well as a variety of animals including black bear. The addition of these lands to the Upper Buffalo Wilderness will aid in the management of the area and will provide increased habitat for wilderness dependent species.

Hurricane Creek Wilderness

A 15,173-acre Hurricane Creek Wilderness in the Ozark-Saint Francis National Forest would be designated by S. 2125 as ordered reported.

The Hurricane Creek area, because of its size and diversity, rugged character and relatively undisturbed quality, is well-suited to designation as a part of the National Wilderness Preservation System. The most widely used part of the proposed wilderness area (for recreational purposes, that is) is the southern half of Hurricane Creek. This area provides a most interesting experience during all seasons of the

year due to its remote forest, the unique rock formations that occur here, and the scenic qualities of the Hurricane Creek itself, a wild, boulder-strewn mountain stream which provides focus for much of the natural beauty of the entire area. Several additional year-round and intermittant flow through the tract enhancing diversity and increasing interest.

Richland Creek Wilderness

As reported, S. 2125 would designate an 11,822-acre Richland Creek Wilderness in the Ozark-Saint Francis National Forest. Richland Creek has been identified for years as one of the finest wilderness areas in the Ozarks. The pristine hollows, rock overhangs and spectacular waterfalls make wilderness designation for this area entirely appropriate. Big Devil's Fork and Long Devil's Fork, two principal streams in the area, shed into Richland Creek above the campground along Forest Service Road #1205.

The area exhibits upland hardwood forms predominantly, with some local variation due to pine mixture. The varied soil types, limestone and sandstone based, provide a multitude of niches for the diverse hardwood forms.

Penhook Wilderness

The 10,729-acre Penhook Wilderness proposed in S. 2125 as ordered reported is also located in the Ozark-Saint Francis National Forest. The Penhook area is made up of rugged hollows winding along several miles of the Middle Fork of the Illinois Bayou. Penhook Hollow serves as a tributary to the lowest segment of the Middle Fork between Fork and Younger Mountains.

The flora is typical of the Bostons and is especially showy in autumn due to the abundance of sugar maples there. Penhook Hollow, along with other canyons occurring within the boundaries of this area, has an extremely interesting character, with large specimens of hardwoods and an undisturbed forest floor. The particularly deep and shadowed canyons such as Penhook Hollow, Manthis Hollow and Sugartree Hollow provide an opportunity to experience closely-contained forest communities, bounded by steep cliffs and lined with overhangs and bluffs.

East Fork Wilderness

S. 2125 as reported includes an 18,292-acre East Fork Wilderness in the Ozark-Saint Francis National Forest.

The proposed East Fork Wilderness lies in the southeastern portion of the Ozark National Forest in Arkansas only 80 miles from Little Rock.

The area is a true representation of the Ozarks and is a part of the most southeastern extension of the Boston Mountains. It contains more pine than other areas of the Ozarks but remains primarily an oak-hickory forest. Common species of plants and animals can be found here including deer, turkey, racoon, bear and others.

The East Fork of the Illinois Bayou courses through the area for 6 miles and provides high quality protection, as well as for opportunities for the study of native plants and animals that thrive in an undisturbed setting.

Leatherwood Wilderness

Finally, S. 2125 as reported would designate a 16,956–acre Leatherwood Wilderness in the Ozark-Saint Francis National Forest.

Because of its size and rugged nature, Leatherwood offers high quality opportunities for primitive recreation. The wilderness contains the entire watershed of Leatherwood Creek and the upper stretches of North and South Prongs of Middle Creek. All of the streams in the area flow west towards the Buffalo River. Caves and springs are numerous in the limestone/dolomite formations of the area. Middle Creek and Leatherwood Creek also demonstrate exciting waterfall formations along the numerous rock ledges that decorate the area. Leatherwood also contains a large variety of native Ozark animals. Deer, turkey, fox, bobcat and mink are known to be present. Black bear is suspected, as is the American Cougar.

Section 4 of S. 2135, as ordered reported, includes special management language for some 3,400 acres of forest system lands located between and adjacent to the two portions of the proposed Poteau Mountain Wilderness.

Section 5 of S. 2125, as ordered reported, contains new release/sufficiency language which reflects the compromise agreed to by Senators McClure and Congressmen Udall and Seiberling and adopted by the Committee on Energy and Natural Resources. (See the "Committee Amendment" section of this report for a discussion of this language.)

Sections 6 and 7 of S. 2125, as ordered reported, contain standard provisions relating to the filing of maps, legal descriptions, and the administration of the proposed wilderness areas.

Section 8 of S. 2125, as ordered reported, prohibits the creation of protective perimeters or buffer zones around wilderness areas in Arkansas.

COST AND BUDGETARY CONSIDERATIONS

The Committee does not intend that this measure (S. 2125) authorize any additional budget authority for fiscal year 1984 than that already available to the Department of Agriculture. The Committee intends that if any fiscal year 1984 costs are incurred from implementation of the bill that they will be absorbed within funds otherwise available to the Department of Agriculture.

The following estimate of the cost of this measure has been provided by the Congressional Budget Office:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, D.C., May 7, 1984.

Hon. JAMES A. MCCLURE,
Chairman, Committee on Energy and Natural Resources,
U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: The Congressional Budget Office has reviewed S. 2125, the Arkansas Wilderness Act of 1983, as ordered reported by the Senate Committee on Energy and Natural Resources, May 2, 1984.

This bill adds approximately 117,171 acres of National Forest System lands in Arkansas to the national wilderness preservation system, and designates an additional 3,400 acres of land for special management to preserve the wilderness characteristics of adjacent lands. Based on information from the National Forest Service (NFS), it is estimated that additional costs to the federal government for surveying, planning and related activities will be approximately $600,000 over the five fiscal years beginning with 1985.

According to the provisions of the National Wilderness Preservation System Act, all timber in areas designated as units of the national wilderness preservation system is removed from the timber base of the national forest in which it is located. This results in a reduction of the annual potential yield of the forest. The annual loss of timber receipts resulting from this bill is expected to be less than $350,000 per year. Any such losses would be at least partially offset by reduced payments to state and local governments, and by a reduction in timber purchaser road construction credits.

Lands designated as wilderness are also withdrawn from mineral activity under the terms of the National Wilderness Preservation Act. This provision is not expected to have a significant budget impact, because existing surveys show little mineral potential in lands involved. However, final assessments of mineral value have not been completed for all areas covered by this bill.

All roadless areas in national forests not designated as wilderness or expressly excluded from further review by an act of the Congress are currently being reevaluated for their suitability for inclusion in the national wilderness preservation system. S. 2125 removes from this review all roadless areas in Arkansas included in the Department of Agriculture's second Roadless Area Review and Evaluation (RARE II). This will result in a small savings in land management planning costs over the next three years.

Enactment of this bill would not significantly affect the budgets of State and local governments.

If you wish further details on this estimate, we will be pleased to provide them.

Sincerely,

RUDOLPH G. PENNER, *Director.*

REGULATORY IMPACT EVALUATION

In compliance with paragraph 11(b) of rule XXVI of the Standing Rules of the Senate, the Committee makes the following evaluation of the regulatory impact which would be incurred in carrying out S. 2125, to designate certain lands in the State of Arkansas for inclusion in the National Wilderness Preservation System.

The bill is not a regulatory measure in the sense of imposing Government-established standards or significant economic responsibilities on private individuals and businesses.

No personal information would be collected in administering the program. Therefore, there would be no impact on personal privacy.

Little if any additional paperwork would result from the enactment of S. 2125.

EXECUTIVE COMMUNICATIONS

The pertinent legislative report received by the Committee setting forth Executive agency recommendations relating to S. 2125 is set forth below:

DEPARTMENT OF AGRICULTURE,
OFFICE OF THE SECRETARY,
Washington, D.C., March 15, 1984.

Hon. JAMES A. MCCLURE,
Chairman, Committee on Energy and Natural Resources,
U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: As requested here is our report on S. 2125, a bill entitled the "Arkansas Wilderness Act of 1983."

The Department of Agriculture recommends that S. 2125 not be enacted.

S. 2125 would designate 10 new wilderness areas totaling 115,977 acres and add 1,504 acres to the existing Upper Buffalo Wilderness.

Three of the areas proposed by S. 2125 for wilderness—Penhook, Leatherwood, and East Fork—were recommended as nonwilderness in the RARE II Final Environmental Impact Statement. Penhook was not recommended for wilderness because of important timber values, 16 miles of roads, and numerous pine plantations. Leatherwood was not recommended because there are approximately 499 acres of private land in 11 widely scattered tracts, 91 miles of roads, important timber values with numerous pine plantations, and manmade wildlife openings. East Fork was not recommended because it has high timber values, 78 miles of roads, two cemeteries, and significant evidence of past logging and management activities. All three areas are included for planned future timber sales.

We recommend that Penhook, Leatherwood, and East Fork areas not be designated as wilderness.

The proposed Flatside Wilderness contained in S. 2125 was not included in the RARE II inventory because the area did not meet criteria for the Roadless Area Review. Since 1965, 6.5 million board feet of timber has been harvested from the area. There are 40 miles of primitive roads and 1.2 miles of all-weather road in the Flatside area. Eighteen percent of the acreage included in Flatside is in young, recently regenerated timber stands, and the remainder of the area is in second growth. The Forest Service has invested $59,000 to date on preparation of current timber sales and wildlife work in this area. The State of Arkansas has also planned wildlife improvement in the area. Because of the existing developments which we believe are incompatible with wilderness and other resources values, we recommend this area not be designated as wilderness.

S. 2125 would designate Richland Creek as wilderness, containing the congressionally designated Richland Creek Wilderness Study Area and the Richland Creek further planning area, for a total of 11,822 acres. As previously indicated, the Department of Agriculture recommends deferring designation as wilderness of the smaller 6,290-acre area until completion of the studies, and we recommend against designation of the remainder of this area because of existing roads, cutover forest lands, a cemetery, and privately owned mineral rights within the area.

The bill would also designate the Belle Starr Cave Wilderness. This area is a combination of three RARE II areas: Belle Starr Cave (WSA), Belle Starr East, and Belle Starr West further planning areas. The Forest Service has completed studies of the East and West Belle Starr areas together with the congressionally designated Belle Starr Cave Wilderness Study Area and is in the final stages of completing the Environmental Impact Statement. As previously stated, we recommend that action on this area be deferred until the study process has been completed and the President submits his recommendations to the Congress.

S. 2125 would designate only those acres in Black Fork Mountain and Upper Kiamichi that are in Arkansas. The portions of the adjoining areas in the State of Oklahoma should be designated as wilderness at the same time the Arkansas portions are designated. Based on the RARE II recommendations, the Department supports the designation of a Black Fork Mountain Wilderness of 12,320 acres and an Upper Kiamichi Wilderness of 10,410 acres, including lands in both Oklahoma and Arkansas.

The release language in S. 2125 would perpetuate the current uncertainties over the land base that will be available over the long term for nonwilderness multiple use activities. Local communities have a right to have some certainty over the land base which will be available to support economic activities upon which their future well-being depends. Under the language of the bill, if a change in physical conditions or litigation results in the need to revise the Forest Plan in only 2 years, the entire roadless area review and evaluation question would need to be raised. This would be extremely disruptive and a waste of Forest Service time and manpower.

We believe that, since Congress has considered roadless and undeveloped lands in the State of Arkansas for designation as wilderness and is in the process of enacting wilderness legislation, the remaining National Forest System lands not designated as wilderness or for study should be released in this bill from further wilderness consideration.

The Administration, therefore, strongly recommends that the release language contained in the bill be amended to provide permanent or at least more long-term stability to the National Forest System lands not designated by this bill or currently in the National Wilderness Preservation System.

The estimated cost for surveying, planning, and related activities necessary to implement wilderness designation for the 11 proposed areas in S. 2125 is approximately $220,000 annually over the next 5 years.

The Office of Management and Budget advises there is no objection to the presentation of this report from the standpoint of the Administration's program.

Sincerely,

JOHN R. BLOCK, *Secretary.*

CHANGES IN EXISTING LAW

In compliance with paragraph 12 of rule XXVI of the Standing Rules of the Senate, the Committee notes that no changes in existing law would be made by the bill, S. 2125, as reported.

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